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Secretary of State

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1993

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 16, 1992	Dec. 23, 1992	1	(Mon.) Jan. 4, 1993	June 22, 1993	June 29, 1993	28	July 9, 1993
Dec. 23, 1992	Dec. 30, 1992	2	Jan. 8, 1993	June 29, 1993	July 6, 1993	29	July 16, 1993
Dec. 30, 1992	Jan. 5, 1993	3	Jan. 15, 1993	July 6, 1993	July 13, 1993	30	July 23, 1993
Jan. 5, 1993	Jan. 12, 1993	4	Jan. 22, 1993	July 13, 1993	July 20, 1993	31	July 30, 1993
Jan. 12, 1993	Jan. 19, 1993	5	Jan. 29, 1993	July 20, 1993	July 27, 1993	32	Aug. 6, 1993
Jan. 19, 1993	Jan. 26, 1993	6	Feb. 5, 1993	July 27, 1993	Aug. 3, 1993	33	Aug. 13, 1993
Jan. 26, 1993	Feb. 2, 1993	7 (Tues.)	Feb. 16, 1993	Aug. 3, 1993	Aug. 10, 1993	34	Aug. 20, 1993
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Feb. 9, 1993	Feb. 16, 1993	9	Feb. 26, 1993	Aug. 17, 1993	Aug. 24, 1993	36	Sept. 3, 1993
Feb. 16, 1993	Feb. 23, 1993	10	Mar. 5, 1993	Aug. 24, 1993	Aug. 31, 1993	37	Sept. 10, 1993
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Mar. 2, 1993	Mar. 9, 1993	12	Mar. 19, 1993	Sept. 7, 1993	Sept. 14, 1993	39	Sept. 24, 1993
Mar. 9, 1993	Mar. 16, 1993	13	Mar. 26, 1993	Sept. 14, 1993	Sept. 21, 1993	40	Oct. 1, 1993
Mar. 16, 1993	Mar. 23, 1993	14	Apr. 2, 1993	Sept. 21, 1993	Sept. 28, 1993	41	Oct. 8, 1993
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Mar. 30, 1993	Apr. 6, 1993	16	Apr. 16, 1993	Oct. 5, 1993	Oct. 12, 1993	43	Oct. 22, 1993
Apr. 6, 1993	Apr. 13, 1993	17	Apr. 23, 1993	Oct. 12, 1993	Oct. 19, 1993	44	Oct. 29, 1993
Apr. 13, 1993	Apr. 20, 1993	18	Apr. 30, 1993	Oct. 19, 1993	Oct. 26, 1993	45	Nov. 5, 1993
Apr. 20, 1993	Apr. 27, 1993	19	May 7, 1993	Oct. 26, 1993	Nov. 2, 1993	46	Nov. 12, 1993
Apr. 27, 1993	May 4, 1993	20	May 14, 1993	Nov. 2, 1993	Nov. 9, 1993	47	Nov. 19, 1993
May 4, 1993	May 11, 1993	21	May 21, 1993	Nov. 9, 1993	Nov. 16, 1993	48	Nov. 29, 1993 (Mon.)
May 11, 1993	May 18, 1993	22	May 28, 1993	Nov. 16, 1993	Nov. 23, 1993	49	Dec. 3, 1993
May 18, 1993	May 25, 1993	23	June 4, 1993	Nov. 23, 1993	Nov. 30, 1993	50	Dec. 10, 1993
May 25, 1993	June 1, 1993	24	June 11, 1993	Nov. 30, 1993	Dec. 7, 1993	51	Dec. 17, 1993
June 1, 1993	June 8, 1993	25	June 18, 1993	Dec. 7, 1993	Dec. 14, 1993	52	Dec. 27, 1993 (Mon)
June 8, 1993	June 15, 1993	26	June 25, 1993	Dec. 14, 1993	Dec. 21, 1993	1	Jan. 3, 1994 (Mon.)
June 15, 1993	June 22, 1993	27	July 2, 1993	Dec. 21, 1993	Dec. 28, 1993	2	Jan. 7, 1994

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: State Administration of the Illinois Neighborhood Corps Program

2) Code Citation: 47 Ill. Adm. Code 130

3) Section Numbers: Proposed Action:

130.10 Repeal
130.20 Repeal
130.30 Repeal
130.40 Repeal
130.50 Repeal
130.60 Repeal
130.70 Repeal
130.80 Repeal
130.90 Repeal
130.100 Repeal
130.110 Repeal

4) Statutory Authority: Implementing and authorized by the Illinois Neighborhood Corps Act of 1983 (Ill. Rev. Stat. 1991, ch. 48, pars. 1901 et seq., as amended by P.A. 87-967, effective January 1, 1993).

5) A Complete Description of the Subjects and Issues Involved: On January 1, 1993, P.A. 87-967 takes effect. This P.A. repeals the Illinois Neighborhood Corps Act of 1983, making it necessary to repeal the rules for the program it authorized.

6) Will this proposed repealer replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do this proposed repealer contain incorporations by reference? No.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This proposed repealer does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Norman Sims, Deputy Director
Department of Commerce and Community Affairs
Office of Policy Development, Planning & Research
620 East Adams Street, 3rd floor

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Springfield, Illinois 62701
(217) 524-4845

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 18, 1992.
- B) Types of small businesses and small municipalities affected: Not applicable. The Illinois Neighborhood Corps Program has not been funded since 1987. The General Assembly recently approved P.A. 87-967 which repeals the authorizing legislation for the program. It is therefore necessary for the department to repeal its rules for the program.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT

auspices of the Illinois Community College Board.

"Community Services Block Grant (CSBG)": A federally funded program operated by each of the 50 states and other territories to alleviate the causes of poverty in their various communities. Illinois' CSBG program is administered by the Department of Commerce and Community Affairs.

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 130

STATE ADMINISTRATION OF THE ILLINOIS NEIGHBORHOOD CORPS PROGRAM (REPEALED)

Section

130.10 Purpose and Scope
 130.20 Definitions
 130.30 Allocation
 130.40 Grant Application Requirements
 130.50 Grantee Selection
 130.60 Programmatic Requirements
 130.70 Administrative Requirements
 130.80 Participant Eligibility Requirements
 130.90 Nondiscrimination
 130.100 Complaint Process
 130.110 Annual Report

AUTHORITY: Implementing and authorized by the Illinois Neighborhood Corps Act of 1983 (Ill. Rev. Stat. 1984 Supp., ch. 48, pars. 1901 et seq.)

SOURCE: Adopted at 8 Ill. Reg. 18951, effective September 27, 1984; amended at 9 Ill. Reg. 10722, effective June 28, 1985; repealed at 17 Ill. Reg. _____, effective _____.

NOTE: Statutory language is denoted by capital letters.

Section 130.10 Purpose and Scope

The purpose of the Neighborhood Corps Program (the Program) is to provide temporary employment for skilled workers in areas which will improve the economic conditions of low-income neighborhoods; provide clear benefit to the community's low-income population; and emphasize job creation, job development, and job retention. Activities under this program may include energy conservation, land conservation, waste management, small-scale technologies, and commercial development. These rules establish guidelines for the administration of the Illinois Neighborhood Corps Program.

Section 130.20 Definitions

"Community Action Agencies (CAAs)": Locally designated organizations which use Community Service Block Grant funds to provide anti-poverty programs to and advocate for the needs of the poor in their communities (See 47 Ill. Adm. Code 120.60, Grantee Selection).

"Community College": An educational institution providing prebaccalaureate and vocational education and training under the

"Department": The Illinois Department of Commerce and Community Affairs (DCCA).

"Equipment": Nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$300 or more per unit.

"Grant Document": Community Services Block Grant documents between the Grantor and the Grantee which detail the responsibility of each party for a specific program period.

"Grantee": The municipality operating the Illinois Neighborhood Corps Program with Community Services Block Grant funds, or other funds as appropriated by the General Assembly.

"Grantor": The organization administering Community Services Block Grant funds to a municipality for the operation of the Neighborhood Corps Program, i.e., a CAA or the Department.

"Municipality": A city, village, or incorporated town.

"NEIGHBORHOOD": A CONTIGUOUS AND SUBSTANTIALLY RESIDENTIAL AREA OF A MUNICIPALITY WITH COMMON COMMUNITY INTERESTS AND EXISTING OR POTENTIAL COMMERCIAL AND INDUSTRIAL ACTIVITY.

Section 130.30 Allocation

- a) State Funding Source: Annually, the Department shall set aside such funds for the Neighborhood Corps Program as may be available under the Community Services Block Grant program, consistent with the Federal requirements for the CSBG program (See 42 U.S.C. 9901-912 (1983)), and such other funds as may be appropriated by the General Assembly.
- b) Municipal Matching Funds: Each participating municipality must provide a dollar-for-dollar matching funds for the Neighborhood Corps Program. No federal or state funds or in-kind contributions shall be permitted to qualify as a municipality's matching funds for this Program.
- c) Grantee Allocations: In any given year, no single municipality

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may request, nor single project receive, more than 50 percent of the State funds available for the Neighborhood Corps Program. Costs for other than wages and direct expenses of participants for each project shall not exceed 5 percent of the project's total cost.

d) CAA Participation: Any CAA currently receiving CSBG funds is eligible to participate in the Neighborhood Corps Program, contributing no more than 20 percent of their State-allocated CSBG funds for the Program. Any CAAs participating in this program must adhere to the prerequisites for funding and programmatic requirements of the Community Services Block Grant program. (See 47 Ill. Adm. Code 120.50, Grant Application Requirements).

e) Community College Participation: Any community college of the State is eligible to participate in the Neighborhood Corps Program, in conjunction with a participating municipality. Such participation may include such involvement as recruitment of program participants, provision of training for the participant, and technical and/or financial assistance to the municipality in conducting the program.

Section 130.40 Grant Application Requirements

In preparing its application for funding assistance under the Neighborhood Corps Program, the grant applicant is required to submit the following items:

- a) Application for Assistance: The Department will require the submittal of Standard Form 424 (or a comparable form provided by the Department) which provides the basic information needed for the grant award documentation and for review purposes. The application document will provide a brief description of the proposed project, the amount of the grant requested, and will be signed by the official authorized by the applicant to enter into the grant.
- b) Annual Work Program: The work program will detail specific annual objectives, the activities proposed to meet each objective, the agency responsible for carrying out the activity (if other than the grant recipient), and the costs to be incurred in carrying out the activities (including non-CSBG costs).
- c) Annual Budget: The applicant shall submit a grant budget by cost categories, on budget forms provided by the Department.
- d) Documentation of Availability of Municipal Matching Funds: The applicant will be required to state in the proposed project's budget the available matching funds from the municipality.

- e) Statement of Coordination: The grant applicant will be required to outline its program of coordination with other agencies and programs of the community that impact the applicant's programs. The statement shall include coordination mechanisms established by the applicant and cite interagency agreements or contractual arrangements used to support coordinated service delivery.

Section 130.50 Grantee Selection

- a) Eligible Grantees: Municipalities are the only entities eligible to apply for funding under the Neighborhood Corps Program. Application may be made in the following manner:

- 1) The Department: Interested municipalities may apply during the Department's annual application cycle, from September 1 to November 1 of the year prior to the funding year. Funds available from the Department are described in Section 130.30(a) of this Part.

- 2) Community Action Agencies: Interested municipalities may request an application from their local CAA. Funds available from CAAs are described in Section 130.30 (d) of this Part.

- 3) Joint Applications: Interested municipalities may develop a joint request for CSBG funds from CAAs by applying during the Department's annual application cycle. Such applications must show approval by the CAAs for the use of local CSBG funding.

- b) Selection Criteria: Applicants must meet all application and programmatic requirements as specified in this Part. Selection of Grantees will be based on a review of the applications. Those proposed projects which are designed to create or retain the greatest number of jobs under the most cost effective proposals will be awarded grant funds.

Section 130.60 Programmatic Requirements

- a) Each Grantee's project must serve an area consistent with the definition of a "neighborhood" in Section 130.20 of this Part.
- b) Each Grantee's project must demonstrate a clear need for the neighborhood development program, i.e., the proposed neighborhood must be located in an economically distressed area requiring revitalization, have experienced an economic loss as a result of a major plant closing or layoff, not be served by a regional dislocated center, or require employment training because of labor force demand.

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- c) Each Grantee's project must be designed to create, develop, or retain jobs.
- d) Activities under this Program may consist of such projects as job creation; commercial development; land development and revitalization; financial development; recycling; energy conservation; and other related activities, such as resource mobilization, job training, and dislocated worker assistance.
- e) The Grantee shall be required to submit a statement outlining a program of coordination with other agencies, such as, community action agencies, community colleges, other units of local government, and other community services organizations and programs in the local community that impact the Grantee's program. The statement shall be supported by letters from the agencies involved.
- f) EACH EMPLOYEE SELECTED FOR THE PROGRAM SHALL WORK IN AND FOR ONLY ONE NEIGHBORHOOD.
- g) EACH EMPLOYEE OF THE PROGRAM MAY SERVE IN THE PROGRAM NO LONGER THAN TWO (2) CONSECUTIVE YEARS.
- h) NO EMPLOYEE OF THE PROGRAM SHALL ENGAGE IN POLITICAL ACTIVITIES DURING WORKING HOURS.
- i) The annual salary of each participant will be paid from funds provided equally by the Grantee and the Grantor. Each employee's annual wages will be comparable to the entry-level salary of that position or similar positions within the particular municipality.

Section 130.70 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

- a) Compensation: The Grantee cannot be reimbursed for costs which exceed the total approved budget. Budget line items within and between cost categories may be increased without prior approval by up to 20 percent when other line items or cost categories are reduced by corresponding monetary amounts in other categories. The administration category may only be reduced and the special category may only be increased. Equipment and contractual service line items may not be increased without prior approval. The Department will grant approval to modify budgeted amounts when the modification is necessary to achieve program objectives.
- b) Reporting: An Expenditure Summary and Payment Request form, provided by the Department, shall be submitted to the Grantor on

or before the fifteenth calendar day of each month after the first month of the program year. A Quarterly Program Report form, provided by the Department, shall be submitted to the Department by the fifteenth day following the end of each calendar quarter.

Section 130.80 Participant Eligibility Requirements

- a) Income: Participants, where funded by CSBG, must by unemployed persons whose income does not exceed or is below 125 percent of the poverty line, determined in accordance with criteria established by the Director of the U.S. Office of Management and Budget (See 42 U.S.C. 9902 (1983)). Client income may be determined by actual annual income or a projection of income based on the prior 90 days (whichever is most beneficial to the client).
- b) Experience: Persons selected for participation must have experience in any of the following areas, as appropriate to the project for which they are selected:
 - 1) Skilled labor trades;
 - 2) Agriculture;
 - 3) Aquaculture;
 - 4) Commercial business;
 - 5) Energy conservation;
 - 6) Land conservation;
 - 7) Waste management (recycling);
 - 8) Finance;
 - 9) Economics;
 - 10) Community planning;
 - 11) Engineering;
 - 12) Drafting;
 - 13) Architecture; and
 - 14) Small-scale technologies.

Section 130.90 Nondiscrimination

- a) In carrying out the Program, the Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Grantee shall take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Grantee shall post in

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Grantee shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin in accordance with 42 U.S.C. 9906. The Grantee shall incorporate the foregoing requirements of Section 130.90(a) of this Part in all of its contracts for program work.

- b) The Grantee shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1983, ch. 68, pars. 1-101 et. seq.).

Section 130.100 Complaint Process

In the event of an applicant, Grantee, or Neighborhood Corps program-eligible client complaint, the Grantor will follow the procedures outlined in the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, pars. 1010-1015).

Section 130.110 Annual Report

The Department shall annually report to the Governor and the General Assembly on the activities of the Program, including:

- a) Types of projects undertaken;
- b) Number of persons serving in the Program; and
- c) Other relevant information such as demographic characteristics, client characteristics, educational background of clients, and projects funded under the Act.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedural
- 2) Code Citation: 56 Ill. Adm. Code 2520

3) Section Number:

2520.700	Proposed Action:
2520.710	Renumbered, amended
2520.720	Amendment
2520.730	Amendment
2520.740	Amendment
2520.750	Renumbered
2520.760	Repealed
2520.770	Amendment
2520.780	Amendment
2520.790	Amendment
2520.795	Amendment
2520.797	Amendment
Appendix A	Amendment

- 4) Statutory Authority: Implementing Sections 2-101(B), 2-102(A), 2-103, 2-105, 6-101, 7-105 et seq., and 7A-102 of the Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, pars. 2-101(B), 2-102(A), 2-103, 2-105, 6-101, 7-105 et seq., and 7A-102), Section 1 et seq. of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 127b101 et seq.), Section 1 et seq. of the Intergovernmental Cooperation Act (Ill. Rev. Stat. 1991, ch. 127, par. 741 et seq.), and Section 202 of the Freedom of Information Act (Ill. Rev. Stat. 1991, ch. 116, par. 202), and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, pars. 7-101(A) and 7-105(A)).

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendments update the Department's rules to comply with changes in the Illinois Human Rights Act, correct certain technical defects, change the criteria for affirmative action groups, change the criteria for state compliance with affirmative action guidelines, and provide guidelines for State layoffs.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.

DEPARTMENT OF HUMAN RIGHTS
NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments by filing a written notice of intent thereof, within 14 days of the date of this issue of the Illinois Register with:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
Telephone number: 312-814-6242
T.D.D.: 312-263-1579
or at the same address with:
Denise F. McGuire
Supervising Attorney
Telephone number: 312-814-6241

Comments must be in writing and filed within 45 days of the date of this issue of the Illinois Register. If, because of physical disability, you are unable to put comments in writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis: The Department's proposed amendments will not affect small businesses.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF HUMAN RIGHTS
NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520
PROCEDURAL

SUBPART A: INTERPRETATIONS

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Preservation of Records by Employers and Labor Organizations

SUBPART C: CHARGE

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Acceptance of Charge
Amendment
Substitution and Addition of Parties
Withdrawal of Charge

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Maintenance of Records
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DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

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2520.630 Cooperative Agreements
2520.640 Nature of Cooperative Complaint Processing Arrangements
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2520.710 Scope and Purpose
2520.720 Affirmative Action Groups
2520.730 Consideration of Additional Groups
2520.740 Definitions (Renumbered)
2520.750 Nondiscrimination (Repealed)
2520.760 ~~Affirmative Action~~ Plans
2520.770 Reporting and Record-Keeping
2520.780 Equal Employment Opportunity Officers
2520.790 Complaint Process
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2520.797 Sanctions for Noncompliance
APPENDIX A ~~Contents of~~ Affirmative Action Plans
APPENDIX B Value Weight Assignment Chart

AUTHORITY: Implementing Sections 2-101(B), 2-102(A), 2-103, 2-105, 6-101, 7-102 7-105 et seq., 7A-102 of the Illinois Human Rights Act (Ill. Rev. Stat. 1981 1991, ch. 68, pars. 2-101(B), 2-102(A), 2-103, 2-105, 6-101, and 7-102 7-105 et seq., and 7A-102) and Section 1 et seq. of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 127b101 et seq.). Sections 1 et seq. of the Intergovernmental Cooperation Act (Ill. Rev. Stat. 1981 1991, ch. 127, par. 741 et seq.) and Section 202 of the Freedom of

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Information Act (Ill. Rev. Stat. 1991, ch. 116 par. 202), and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act (Ill. Rev. Stat. 1981 1991, ch. 68, pars. 7-101(A) and 7-105(A)).

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. _____, effective _____.

Capitalization denotes statutory language.

SUBPART G: EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION
BY STATE EXECUTIVE AGENCIES

Section 2520.740 2520.700 Definitions

For purposes of this Subpart, the following terms shall have the meanings indicated:

Act--The term "Act" shall mean the Illinois Human Rights Act.

Affirmative Action Group--The term "affirmative action group" shall mean any of the groups listed in Sections 2520.920 2520.720 or 2520.730 of this Part.

Agency--The term "agency" ~~of the State/agency~~ shall mean any instrumentality or facility of the executive branch of State government, as specified in Section 2520.910 2520.710 of this Part.

Central Management Services--The term "Central Management Services" shall mean the Department of Central Management Services or any successor agency responsible for its functions.

Chief Executive Officer--The term "Chief Executive

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Officer shall mean the director or other chief executive or administrator of any State agency other than the Department of Human Rights.

Department--The term "Department" means the Department of Human Rights.

Director--The term "Director" means the Director of the Department of Human Rights.

Disability--The term "disability" means a determinable physical or mental characteristic of a person, including, but not limited to, a characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic is unrelated to the person's ability to perform a job.

EEO--The term "EEO" means Equal Employment Opportunity.

EEO/AA--The term "EEO/AA" means Equal Employment Opportunity/Affirmative Action.

EEO Job Categories--The term "EEO Job Categories" as used for governmental agencies in this Article, refers to the following eight categories: officials/managers; professionals; paraprofessionals; technicians; office/clerical workers; protective services workers; skilled craft workers; and service/maintenance workers.

EEO Officer--The term "EEO Officer" means the Equal Employment Opportunity Officer, whether full or part-time, appointed by a State agency pursuant to Section 2-105(B)(4) of the Act and Section 2520.980-2520.780 of this Part.

Minority--The term "minority" or "minorities" refers to those groups, or members thereof, listed in Section 2520.920-2520.720 or 2520.730 of this Part, other than women and the handicapped disabled persons.

Numerical Goals--The term "Numerical Goals" means the

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number of the members of an affirmative action group which comprise less than 2% of the general population of the State which have been determined to be available to an agency/facility for employment in each of the EEO job categories. This availability must be computed according to the methodology described within this part. Numerical goals must state the number of the members of the affirmative action group to be employed, the actions to be taken to recruit and employ that number of the persons responsible for the implementation of each action, and the procedure for monitoring the progress toward meeting the goal.

Petitioning Group--The term "Petitioning Group" means a chartered not-for-profit organization that is recognized by the community it purports to represent which has stated as its purpose the fostering of the interests and well being of the population in question that community.

Plan--The term "plan" shall mean an affirmative action plan for employment as described in Section 2520.760.

Program Goals--The term "Program Goals" means a set of actions established to solve address affirmative action or EEO problems cited in the agency's Affirmative Action Plan. Program goals must state each action to be taken, the person(s) responsible for the implementation of the actions, the target date for completion or implementation of each action, and the procedure for monitoring the progress toward meeting the goal.

Reasonable Accommodation--The term "Reasonable Accommodation" as it relates to handicapped disabled employees and applicants means modification of the work site, work process and/or work schedule that will enable a handicapped disabled person to perform the major functions of a specific job; however, such an accommodation cannot impose an undue hardship on the conduct of the business of the employer or labor organization.

Underutilized Category--The term "underutilized category" means one in which the number of employed members of an affirmative action group for which

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numerical goals have been set does not reflect the availability of that group in the agency workforce in that EEO job category.

(Source: Section 2520.700 renumbered from 2520.740 and amended at 17 Ill. Reg. _____, effective _____)

Section 2520.710 Scope and Purpose

This Part Subpart implements Sections 2-103(B) and 7-103 the affirmative action provisions of the Illinois Human Rights Act. Those Sections of the Act, which apply to every State Executive Department, State Agency, Board, Commission and Instrumentality (Ill. Rev. Stat. 1991, ch. 68, pars. 2-105(B) and 7-105). The Department interprets this language as encompassing all agencies of the executive branch of State government and their corporate outgrowths, including bodies politic and corporate of the State. Agencies of the legislative and judicial branches, and local government entities, are excluded. This Part Subpart interprets the responsibilities imposed on covered State agencies under Sections 2-103(B) and 7-103 of the Act to practice equal opportunity EEO and affirmative action in employment. This Subpart also describes the methods by which the Department of Human Rights will monitor and assist agencies in complying with those obligations.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 2520.720 Affirmative Action Groups

Section 2-105(B) of the Act requires that State agencies keep records, analyze their workforces, and establish affirmative action numerical and program goals for employment by race, national origin as required by Department Rules, sex and disability handicap, and any other category which the Department may require by rule. Ill. Rev. Stat. 1991, ch. 68, par. 2-105(B). The Act thus recognizes an obligation of the State to specially address the circumstances of groups which have experienced particular chronic and pervasive employment discrimination under longstanding federal mandates, as well as established practice in Illinois. State agency affirmative action efforts have should focused upon the following groups/where each represents a/least two percent of the relevant general population: blacks African Americans, women, Hispanics and

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Latinos, American Indians and Alaskan Natives Native Americans, Asians and Pacific Islanders, and handicapped disabled persons. The Act/levies an intent to maintain the focus upon each of these groups, and to expand that focus to encompass national origin or other groups confronting similar discrimination. The Department will apply the criteria of Section 2520.930 2520.730 of this Part to identify such other groups, to be added to the list below above. State agencies are presently required to focus upon the following groups for the record keeping, workforce analysis and affirmative action efforts mandated under Section 2-103(B) of the Act:

- a) Blacks;
- b) Women;
- c) Hispanics;
- d) American Indians and Alaskan Natives;
- e) Asians and Pacific Islanders;
- f) The Handicapped;

(Source: Amended 17 Ill. Reg. _____, effective _____)

Section 2520.730 Consideration of Additional Groups

Section 2-103(B) of the Act requires that State agencies expand their workforce analyses and affirmative action efforts to include national origins as required by Department Rule, and also to encompass other categories which the Department may require by rule. The intent of this language is to bring within the State's affirmative action focus groups which experience the vestiges of past employment discrimination which is similar in nature and practices to that which has afflicted the groups listed in Section 2520.920 of this Part.

- a) Criteria--To determine the pervasiveness of discrimination which a group has experienced, the Department will consider. In order for an affirmative action group to be recognized, a petitioning group must present to the Director the following criteria:

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1) the relationship between the proportion which of an affirmative action group represents in the general State population and the proportion which it comprises among of the affirmative action group in State employees, and whether or not that proportion is less than 4/5 of the availability of that group in each of the eight EEO categories;

2) other authoritative statistical evidence, surveys and studies reflective of the discrimination experienced by the group, particularly, but not exclusively, as they relate to experience in Illinois;

3) the frequency with which charges alleging such discrimination, as compared to discrimination against other minorities, have been filed with the Department, its predecessors and other federal and local entities that investigate employment discrimination charges;

4) whether or not employment discrimination is longstanding against the group in question was sanctioned and is without an adequate legal remedy which is under color of state law; and

5) evidence of a continuing cycle of discrimination which, without affirmative action, will continue.

b) Consideration Process--For each petitioning group, a Notice of Proposed Rulemaking will be published by the Department in the Illinois Register and the group will be added or not added under Section 2520.920 of this Part based upon the evidence submitted to and obtained by the Department and submitted by public commenters through the rulemaking process. If the Director determines that the criteria in subsection (a) above have been met and that a petitioning group has submitted a petition as specified in 2 Ill. Adm. Code 925.110 of the Department's Rules:

1) A Notice of Proposed Rulemaking will be published by the Department in the Illinois Register, and the Department will commence rulemaking within 90 days after submission of such a petition.

2) The Department shall convene a hearing, if required, in accordance with Section 5.01(a) of the Illinois

Administrative Procedure Act/ (Ill. Rev. Stat. 1981 1991, ch. 127, par. 1005.01(a)(5)). Any group or individual may initiate such rulemaking by petition as specified in 2 Ill. Adm. Code 925.120 of the Department's Rules/ the Department will commence such rulemaking within 60 days after submission of such a petition/ if the petition satisfies 2 Ill. Adm. Code 925.120/

3) If the rulemaking results in the addition of an affirmative action group, each agency shall develop numerical and program goals shall be developed/ utilizing methodology determined to be appropriate by the Department/ for that affirmative action groups other than the handicapped which comprise at least two percent of the State's general population/ this does not, however, deprive groups comprising a lesser percentage of their protection against discrimination under the Act.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 2520.740 Definitions (Renumbered)

(Source: Section 2520.740 renumbered to 2520.700 at 17 Ill. Reg. _____, effective _____)

Section 2520.750 Non-discrimination (Repealed)

Under Section 2-102 (a) of the Act/ every State agency regardless of size/ is required to refrain from discrimination in employment based upon race/ color/ religion/ national origin/ citizenship status/ ancestry/ age/ from 40 to 70 years/ sex/ sexual harassment/ marital status/ physical or mental handicap/ unrelated to ability/ or unfavorable/ except dishonorable discharge/ from military service/ this prohibition applies to all aspects of an agency's employment practices/ including recruitment/ hiring/ promotion/ training/ discipline/ discharge/ and any terms/ conditions/ or privileges of employment/ Agencies are further prohibited/ under Section 2-103 of the Act/ from inquiring on job applications/ whether an applicant has ever been arrested/ and under Section 6-101 (a) of the Act/ from harassing or retaliating against any person who has reasonably opposed unlawful discrimination or filed/ testified or otherwise participated in proceedings under the Act/

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(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 2520.760 *Affirmative/Action Plans*

- a) Adoption and Maintenance--Every State agency shall develop and adopt a *written/affirmative/action plan for/employment* conforming to the requirements of this Section, and shall review and update the plan *at/least annually* at the beginning of each State fiscal year.
- b) Filing and Approval--*By September 1 of each month/more than sixty/100 days after the beginning of each State/fiscal year, every State agency shall file with the Department a complete copy of its affirmative/action plan, including any amendments or additions made for that year. If an agency submits a written request for an extension before September 1, the Director may grant an extension of up to 30 days. The request for an extension should state the reason for the extension. The Department will review each agency's plan to determine if it complies with the requirements of this Section. The Department may confer with representatives of the agency and may request further information as/necessary to make this determination, and the agency may make revisions to its plan as suggested by the Department to achieve compliance. If an agency's plan satisfies the requirements of this Section, it shall be approved by the Director who shall so certify in writing to the agency's Chief/Executive/Officer. If the Director finds that an agency's plan is deficient with respect to any of the requirements of this Section, the Director shall so inform the agency's Chief/Executive/Officer in writing specifying the deficiencies and the measures necessary to achieve compliance. The Director shall notify the agency's Chief/Executive/Officer within 45 days of receipt of the plan whether the plan is approved or disapproved. Within 45 days of receipt of the plan, the Director shall provide to the agency's Chief Executive Officer either a statement indicating that the plan satisfies the requirements of this Section or a statement specifying any deficiencies and the measures necessary to achieve compliance. If within 30 days thereafter, the agency fails to correct any deficiencies noted by the Director, the Director shall invoke the sanctions provided in Section 2520.797 of this Part for agency noncompliance.*

- c) Modifications--*If during the course of any fiscal year, after an agency's affirmative/action plan has been approved by the Director, the an agency proposes to may modify or amend its plan in any fashion, the agency shall file by filing with the Department, a copy of the proposed revisions modifications together with a written statement outlining the modifications and the reasons therefor. The modifications shall be reviewed by the Department and approved or disapproved in the same manner as provided in paragraph subsection (b) above.*

- d) Ingredients--Every State agency's *written/affirmative action* plan shall include the items specified and be organized as indicated in Appendix A of this Part.

- e) Guidelines and Assistance--*The Department shall from time to time may promulgate and distribute to agencies manuals and guidelines for the preparation of affirmative/action plans in compliance with this Section. Agencies may also obtain technical assistance by contacting the Department's Compliance Division.*

- f) Public Disclosure--Upon request, a State agency shall make available for public inspection during normal business hours a copy of its current *affirmative/action* plan.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 2520.770 Reporting and Record-Keeping

- a) Employment Profiles--*As required by Section 2-105(B) of the Act, Each State agency shall maintain data reflecting the composition of its workforce at each geographical location, by race, national origin as specified by the Department, sex and handicap disability, EEO job categories, and any other category which the Department may require by rule. This information shall be collected from the agency's employees through the use of a universal form, developed by the Department of Personnel Central Management Services and approved by the Director, which shall be completed by each employee and applicant for employment at his/her option. The Department of Personnel Central Management Services shall compile this data and furnish periodically quarterly reports to State/agencies each agency and the Department*

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depicting the employment profile of each agency under the Personnel Code [Ill. Rev. Stat. 1991, ch. 127, par. 127b101 et. seq.]. Other agencies, and agencies under the Code having non-Code employees, shall compile this data themselves and provide it to the Department.

- b) Position Vacancies--Each State agency shall maintain a centralized record detailing all its current and anticipated job openings, and indicating for each such opening the job title, EEO job category, pay grade or merit compensation level, and geographical location. This information shall be supplied to the agency's EEO Officer, and to the Department upon request. Every State agency shall also post conspicuously in its offices all vacancies in nonexempt position in which the agency intends to fill, if the vacant position in which the vacancy exists is one wherein minorities or females the proportion of incumbents in one or more affirmative action group(s) represents a proportion of all incumbents which is significantly less than the proportion which minorities or females of such group(s) represent in the available local labor force. The posting shall also state that the agency is an Equal Opportunity Employer.

c) Monthly Reports--When the Department finds that a State agency is not achieving its affirmative action goals and timetables and has not demonstrated a good faith effort to do so, or if the volume of charges filed against an agency suggests that the agency may not be complying with its obligations hereunder, the Department may direct that the agency furnish to the Department a monthly report. The monthly report shall list each employment transaction for the month by job title, EEO job category, pay grade or merit compensation level, and the affirmative action group(s) of the employee(s) affected. In this report is not prepared by the agency's EEO Officer, the EEO Officer shall receive a copy of it from the agency.

- d) Quarterly Reports--No later than fifteen (15) working days after receipt of the CMS-DHR9 and CMS-DHR10 data information at the end of each fiscal quarter, every State agency shall file with the Department a report. If an agency submits a written request for an extension within 15 working days after receipt of the CMS-DHR10 data information, the Director may grant an extension of up to 15 days. The report, signed by the EEO

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Officer and Chief Executive Officer, shall contain:

- 1) A current employment profile of each of the agency's departments or divisions by EEO job category and affirmative action group(s) of the incumbents.
 - 2) A breakdown of all employment transactions for the previous quarter by EEO job category and the affirmative action group(s) of the employee(s) affected.
 - 3) A statement on the agency's progress or lack thereof in meeting its affirmative action numerical and/or program goals. If a numerical or program goal is not attained, the agency should provide an explanation for the failure to meet the goal.
 - 4) A list of vacancies, by EEO job category, classification, and pay grade or merit compensation level, that the agency intends to fill during the next quarter. Underutilized positions categories should be indicated. An underutilized position of the EEO job category is one in which the number of the employed members of an affirmative action group for which numerical goals have been set does not reflect the availability of that group to in the agency or facility working in that position or EEO job category.
 - 5) A narrative describing all charges and complaints of employment discrimination filed or pending against the agency during the previous quarter. The narrative should identify the facility or geographical location against out of which the charge or complaint was filed; the organization or tribunal with whom it was filed; and the current status of the matter, including whether pending, withdrawn, settled or dismissed/sustained/or the stage of proceedings at which it is pending.
- d) Annual Reports--Within forty-five (45) days after the end of each fiscal year, every State agency shall submit to the Department a report, signed by its EEO Officer and Chief Executive Officer, covering the fiscal year just completed. If an agency submits a written request for an extension before August 15, the Director may grant an extension of up to 30 days. The report shall include cumulative data for the full year of the same sort

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as required under subparagraphs (1) and (2) of paragraph (d) of this section subsections (c)(1) and (d)(1) above, as well as a narrative by the agency's Chief Executive Officer describing the extent to which the agency's yearly affirmative action numerical and program goals were achieved and the reasons for any unfulfilled unmet goals.

e Federal Compliance Reports--Any State agency which is the subject of an EEO compliance review by an agency of the federal government shall forward to the Department a copy of the that/federal/compliance report within five/15 working days of the agency's receipt thereof.

f Orders and Settlements--Any State agency which is a party to any proceedings, whether judicial or administrative, and whether federal or state, involving allegations of employment discrimination shall forward to the Department a copy of any order, decree, settlement agreement or award which decides or disposes of such proceedings, within five/15 days of the entry thereof.

g Layoff Reports--A/Each State agency shall prepare a layoff report outlining any plans/for the intended layoff of incumbent employees. The report shall be prepared/and submitted to the agency's EEO Officer and the Department not less than 30 days prior to the expected date of the layoff, unless emergency conditions preclude necessitate a delay of the action report; however, such conditions must be documented in the report. The report shall identify, by geographical location, job title and affirmative action group, the employees to be affected by the layoff. The agency's EEO Officer shall review the layoff/plan report to determine if it the layoff will have an adverse adverse impact upon minorities, women or handicapped disabled persons. and The EEO Officer shall submit a written adverse impact report to the Chief Executive Officer and to the Director of his/her findings, to/the/agency's/Chief Executive Officer/and/to/the/Director/and/if/such/an impact/is/apparent/shall/advise/the/Chief/Executive Officer/and, if adverse impact is found, suggested alternatives to lessen or eliminate such impact. The Director of the/Department/of Central Management Services will not approve a layoff until the Director has indicated that the adverse impact report is correct.

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h Reorganization Reports--Any State/agency which proposes to reorganize/its workforce reorganization which in/such/a fashion/as/to significantly changes lines of authority, wages or job duties and descriptions on an agency-wide basis, or throughout any bureau, division or unit of the agency, must be described in shall prepare a reorganization report and submitted it to the agency's EEO Officer at least thirty/30 days prior to implementation. The agency's EEO Officer shall review the plan report to determine whether it will have an adverse adverse impact upon minorities, women or handicapped disabled persons, and shall submit an adverse impact report, summarizing/that/analysis within five/15 days after receipt of the plan reorganization report, to the agency's Chief Executive Officer and the Department. If the EEO Officer determines that an adverse adverse impact is apparent, he/she shall include in the adverse impact report recommendations to lessen or/eliminate such impact.

i Hiring and Promotion Monitor--A hiring and promotion monitor shall be developed by each agency and completed on all hires and promotions, indicating the EEO job category and classification of the position and whether the/category is/currently/underutilizing/any/of/the/affirmative/action groups/which/have/designated/numerical/goals/and/eliminate it is an underutilized category. The monitor shall also indicate the race, sex, whether handicapped disabled, and national origin of all persons considered for the position and of the desired candidate, and whether the candidate meets the affirmative action requirements for that category. If the desired candidate does not fully meet the affirmative action obligations requirements for that category for/the/agency, a detailed explanation indicating the reasons for the desired selection must be completed by the hiring officer and attached to the monitor. No hire or promotion shall be made until the agency EEO Officer, or designee, has reviewed and signed the monitor indicating approval of the transaction. The/Department/of/Personnel Central Management Services or/any/other/entity/responsible for/the/personnel/function/of/the/agency shall not complete any hire or promotion transaction if it has not received the appropriate/completed hiring/and/promotion approved monitor.

j Exit Questionnaire--Each State agency shall provide an exit

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questionnaire to all employees at the time of their separation from employment with the agency, whether voluntary or involuntary. The questionnaire shall identify the employee by name and affirmative action group, job title and location, date of separation, and reason(s) for separation, and shall include space for the employee's comments. Completion of the questionnaire shall be at the employee's option. Completed questionnaires shall be forwarded immediately to the agency's EEO Officer.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 2520.780 Equal Employment Opportunity Officers

a) Appointment of Full-Time EEO Officers in Agencies with 1,000 or More Employees--Section 2103(b)(4) of the Act requires that

1) Every State agency employing 1,000 or more individuals or administratively separate subdivisions of agencies with 1,000 or more individuals shall appoint a full-time EEO Officer, subject to the approval of the Department. The Department's approval shall be granted by the Director only, and evidenced in writing signed by the Director to the agency's Chief Executive Officer. The Director of the Department of Personnel or his/her designee shall not complete any personnel transaction regarding the appointment of any agency EEO Officer without written evidence of the approval of the Director.

2) The Full-Time EEO Officer in an agency with 1,000 or more employees shall report directly to the agency's Chief Executive Officer and shall be located on the Chief Executive Officer's administrative staff.

3) When a vacancy occurs in the position of Full-Time EEO Officer for such agency, the agency's Chief Executive Officer shall immediately so notify the Director, identifying the agency employee who shall serve as interim EEO Officer.

A) Within thirty (30) days of the occurrence of such vacancy or the expiration of any extensions, the Chief Executive Officer shall nominate an

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individual to fill the vacancy and submit his/her resume and other relevant materials to the Director for approval. The Director may grant an extension of this 30-day period where circumstances legitimately prevent the selection of an appropriate candidate within the period.

B) Within fifteen (15) days of receiving a nomination as above, the Director shall notify the Chief Executive Officer in writing whether the nominee is approved. If not approved, the Director and the Chief Executive Officer may confer to discuss or reevaluate the appointment and the Chief Executive Officer shall submit another nomination to fill the vacancy. If the Director declines to fill an agency has not made a good faith effort to nominate an acceptable candidate to fill the position, the Director shall invoke the sanctions for noncompliance provided in Section 2520.797 of this Part.

C) The Director of Central Management Services or his/her designee shall not complete any personnel transaction regarding the appointment of any agency EEO Officer without written evidence of the approval of that appointment by the Director.

D) If not approved, the Director and the Chief Executive Officer may confer to discuss or reevaluate the appointment, and the Chief Executive Officer shall submit another nomination to fill the vacancy.

E) If the Director determines that an agency has not made a concerted effort to fill the position, the Director shall invoke the sanctions for noncompliance provided in Section 2520.797 of this Part.

b) Designation of EEO Officers in Agencies with Fewer than 1,000 Employees--Every State agency employing fewer than 1,000 individuals shall designate an EEO Officer who said individual may serve as a full-time EEO Officer or may be responsible for other duties within the agency beyond those of EEO Officer. The Chief Executive Officer of each such

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agency which has not designated an EEO Officer prior to the effective date of this Part shall do so in writing to the Director within forty-five (45) days thereafter. When a vacancy occurs in such position, the Chief Executive Officer shall immediately so notify the Director, and identify the employee who shall assume the duties of EEO Officer on an interim or permanent basis.

c) Responsibilities of EEO Officers--~~Each~~ EEO Officers shall have the following responsibilities, ~~within his/her agency~~, in addition to those enumerated in the Act or elsewhere in this Part Subpart:

- 1) to develop the agency's *affirmative action* plan and goals and objectives;
- 2) to assist in identifying and solving EEO problems;
- 3) to design and implement internal audits and reporting systems for measuring the effectiveness of agency programs, indicating need for remedial action, and determining the degree to which the agency's goals and objectives have been attained;
- 4) to serve as liaison between the agency and EEO enforcement authorities;
- 5) to serve as liaison between the agency and minority, women's and ~~handicap~~ *disability* organizations;
- 6) to inform management of developments in the EEO field;
- 7) to regularly confer with managers, supervisors and employees to assure that the agency's EEO policies are observed;
- 8) to assist in the evaluation of employees and job applicants so that minorities, women and ~~the handicapped~~ *disabled persons* are given equal opportunity;
- 9) to advise managers and supervisors ~~whether their~~ *if* employment practices comply with the Act;
- 10) to ~~describe in the quarterly~~ report to the Department all internal and external complaints of discrimination against the agency;

11) to assist in the investigation of internal and external complaints of discrimination, as specified in Section 2520.790 ~~2520.790~~ of this Part;

12) at the request of the agency's Chief Executive Officer, to direct agency staff in taking appropriate action to correct for discriminatory practices identified by the Department, and to report to the Chief Executive Officer and the Department on the progress of actions taken;

13) in conjunction with the filing of Quarterly Reports, to submit recommendations to the Chief Executive Officer and the Department for improvements to the agency's ~~affirmative action~~ *affirmative action* plan;

14) to immediately notify the Chief Executive Officer and the Department when unable to resolve employment practices or conditions which have or tend to have ~~disparate~~ *adverse* impact on minorities, women or ~~handicapped~~ *disabled persons*;

15) ~~if the agency is in noncompliance, as described in Section 2520.795, to work with Central Management Services to develop programs to train staff in hiring and promotional practices, and to notify the Department of such training.~~

d) Protection--An EEO Officer who performs his/her duties as prescribed in the Act and this Part shall not be coerced, intimidated or retaliated against by the agency or any official, employee or agent thereof as a result of such performance. An EEO Officer who believes that he/she has been or is being so coerced, intimidated or retaliated against, or in any other way impeded from the performance of his/her official duties, ~~shall~~ *may* immediately file a charge with the Department. Nothing provided herein shall, ~~however~~, preclude an agency from disciplining ~~or demoting or~~ *discharging* an EEO Officer for just cause.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 2520.790 Complaint Process

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- a) Internal Complaints--When any agency employee of a state/agency complains of employment discrimination against the agency/whereby through a grievance under the Personnel Code, a collective bargaining agreement or an internal agency grievance mechanism, the agency's EEO Officer shall be notified of the grievance not later than at the time it reaches the level of the agency's Chief Executive Officer. The EEO Officer shall attend the grievance hearing at that level either as the hearing officer or as a consultant to the hearing officer. If serving as a consultant to the hearing officer, the EEO Officer shall provide a written recommendation to the hearing officer regarding the disposition of the grievance within the timeframe applicable under the grievance mechanism, and the hearing officer shall consider the recommendation in determining the merits of the grievance.

- b) External Complaints--When a charge or complaint alleging employment discrimination against an state agency is filed with the Department, or the U.S. Equal Employment Opportunity Commission or any other governmental agency or tribunal/judging/jurisdiction, the agency shall provide a copy of the charge or complaint to the agency's EEO Officer immediately upon being served. The EEO Officer shall then promptly conduct a preliminary investigation or/fact finding/conference upon the charge, and make a recommendation to the agency's Chief Executive Officer concerning resolution of the complaint. The EEO Officer shall also participate in any conferences or hearings convened by the enforcement agency with which the charge or complaint is filed, and make recommendations to the agency's Chief Executive Officer or designee for disposition of the matter.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 2520.795 Compliance Reviews

The Department may conduct periodic compliance reviews of any state agency to determine the agency's compliance with the EEO and affirmative action obligations of the Act and this part Subpart. In the course of such a review, the Department may request documentation and reports reflecting the agency's

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employment practices and profile, and may visit the agency's worksite(s) and interview officials and employees.

- a) Compliance Criteria--In the course of a compliance review, the Department shall judge the agency's compliance/good faith concerted effort and progress to provide equal employment opportunity and affirmative action for minorities, women and handicapped disabled persons. An agency's compliance will be judged upon, using the following criteria:
- 1) existence of an approved affirmative/action plan;
 - 2) demonstration of the implementation of the agency's affirmative/action goals within the time-frame cited in the agency's affirmative/action plan. In order to be found in compliance with numerical goals, is defined/as achieving at least 4/3 of each numerical goal at least 25% of an agency's hires or promotions in EEO job categories for which goals have been developed and cited in the agency's Affirmative/Action plan must be filled in accordance with those goals. and compliance with program goals will be determined by the agency's documentation that those goals have either been achieved or a demonstration of a good faith concerted effort to achieve those goals;
 - 3) demonstration that the agency's EEO/AA policy has been disseminated within throughout the agency and to relevant external entities and organizations;
 - 4) documentation of the inclusion of EEO/AA principles and procedures in appropriate in-service training programs;
 - 5) documentation of the inclusion of the agency's EEO Officer in the investigation and disposition of all internal and external discrimination grievances and complaints;
 - 6) maintenance and timely submission of appropriate employment data and reports as required in this part Subpart and by federal authorities;
 - 7) demonstration in an agency with 1,000 or more employees, documentation of the actual full-time appointment, with

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the Director's approval, of an EEO Officer in an agency with 1,000 or more employees;

- 8) documentation of that the actual fulfillment by an agency's EEO Officer of has performed the duties and responsibilities outlined in the Act and this Part Subpart.

- b) Compliance Report--Within thirty/30/ 45 days of the Department's completion of a compliance review of a state agency, the Department it shall inform the agency's Chief Executive Officer in writing of the Department's findings. The Department's report shall summarize the agency's satisfaction of the various compliance criteria outlined above, and shall reflect rate the agency as in one of the following compliance categories:

- 1) Certified Compliance: all affirmative action compliance requirements, numerical and programmatic goals have been met by the agency.

- 2) Good Faith Partial Compliance: not all affirmative action compliance requirements, numerical and programmatic goals have been met, but the agency has demonstrated and documented good faith concerted efforts to meet its responsibilities, or

- 3) Non-Compliance: affirmative action compliance requirements, numerical and programmatic goals have not been met and the agency has not demonstrated and documented good faith compliance concerted efforts to meet its responsibilities.

- c) Agency Action on Noncompliance

- 1) If the Department's compliance report concludes that an agency is in partial compliance or noncompliance, the report shall set forth recommendations and suggestions for the agency to achieve compliance. Within thirty/30/ days of receipt of the report, the agency shall inform the Department in writing whether it accepts the Department's recommendations and suggestions.

- A) An agency's failure to respond within the thirty/ 30 days shall be deemed to constitute rejection.

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- B) ~~When~~ If the agency accepts the Department's recommendations, the Department will monitor and periodically evaluate the agency's accomplishment of them.

- C) If the agency rejects the Department's recommendations but offers alternatives, ~~of its own~~ within 30 days of their receipt, the Department will review the alternatives and notify the agency if it finds them acceptable ~~within 30 days of their receipt~~. If the Department finds them acceptable, it will monitor and periodically evaluate the agency's accomplishment of them.

- D) If the agency rejects the Department's recommendations and fails to offer acceptable alternatives, the Department will invoke the sanctions for noncompliance provided in Section 2520/997 2520.797 of this Part.

- 2) Within 30 days of the Department's determination that an agency is in noncompliance, in accordance with Section 7-105 of the Act, the Department will notify the agency and Central Management Services that the agency must "establish necessary training programs for preparation and promotion of the category of individuals affected by the failure", in cooperation with Central Management Services.

- 3) ~~When~~ If the Department finds that an agency is in noncompliance, or if the discrimination charges filed against the agency suggest that the agency may not be complying with its obligations hereunder, the Department may direct that the agency furnish to the Department a monthly report.

- A) The monthly report shall list each employment transaction for the month by job title, EEO job category, pay grade or merit compensation level, geographic region and affirmative action group of the employee affected.

- B) After an agency has completed training for failure to meet numerical and program goals, the agency shall describe in its monthly reports the training

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instituted and how such training was applied, including the number of people in each affirmative action group who applied and who were selected for each employment transaction.

- c) If this report is not prepared by the agency's EEO Officer, the EEO Officer shall receive a copy of it from the agency.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 2520.797 Sanctions for Noncompliance

- a) Show Cause Notice--Where If a State agency is determined by the Director to have violated or failed to comply with a requirement of this Part Subpart and the agency has not already been afforded an opportunity to respond to or confer with the Department over that determination, the Department shall serve upon the agency's Chief Executive Officer a written notice specifying the nature of the violation or noncompliance. The notice shall provide that the agency may have has fifteen (15) days from receipt to respond in writing to the Director setting forth why it should not be deemed in noncompliance and/or propose a compromise or resolution of the matter. Within 30 days of its receipt of a timely response, the Department shall review a response which is timely filed it, and/ if it finds the response is sufficient, may resolve the matter pursuant to written agreement with the agency or by written statement that it will not proceed with the sanctions provided in paragraph (b) of this section subsection (b) below.

- b) Sanctions--If an agency fails to satisfactorily respond to a show cause notice served by the Department in accordance with pursuant to paragraph (a) of this Section, or if an agency is determined by the Department to have violated or failed to comply with this Part Subpart and has otherwise been afforded an opportunity to respond to or confer with the Department over that determination without an accord being reached, the Department Director shall prepare and send to the agency's Chief Executive Officer a Letter of Noncompliance over the signature of the Director. The letter shall specify the nature of the violation or

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noncompliance, and a copy shall be submitted to the Governor. A Letter of Noncompliance shall be a "public document record", subject to disclosure pursuant to the Freedom of Information Act (Ill. Rev. Stat. Ch. 116, Par. 201 et seq.). In addition to sending the Letter of Noncompliance, shall the Director may initiate a charge of a civil rights violation against the agency under pursuant to Section 7(A)-102(A) of the Act, alleging the matters which constitute the agency's noncompliance, and shall cause the Department to conduct an in-depth compliance review of the agency's equal opportunity and affirmative action posture and practices. The Director may also cause judicial proceedings to be commenced against the agency to compel the agency's compliance with the Act and this Part.

(Source: Amended 17 Ill. Reg. _____, effective _____)

Section 2520.APPENDIX A Ingrid's Contents of Affirmative Action Plans

Part I

- A. A completed Equal Employment Opportunity/Affirmative Action Certification Form;
- B. An agency EEO/AA policy statement signed by the Chief Executive Officer;
- C. An agency profile statement, describing the mission of the agency and its specific EEO/AA problems and needs;
- D. Identification of the agency's primary EEO Officer and his/her work location and telephone number;
- E. An organizational chart depicting the agency personnel at all levels responsible for implementing and monitoring the agency's affirmative action plan; and
- F. A description of the methods to be used in accomplishing both internal and external dissemination of the agency's affirmative action policy and plan.

Part II

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- A. Internal Workforce Analysis: an assessment of the agency's personnel transactions for the previous fiscal year; an analysis of the distribution of present employees separated by code, non-code and combined workforce among the eight EEO job categories; and a breakdown of new hires, promotions, demotions, transfers, terminations, superior performance increases and salary comparisons by affirmative action group; and
- B. External Workforce Analysis: a determination of the number of minorities who comprise at least two percent of the State's general population/as determined by methodology determined to be appropriate by the Department and females women and disabled persons available to the workforce of the agency, calculated according to methodology determined to be appropriate by the Department.

Part III

- A. Goals and Timetables: Program goals must be developed in conjunction with the problems identified in as the result of the agency's internal and external workforce analysis. Numerical goals must be developed for those affirmative action groups over whom the handicapped which comprise at least two percent of the State's general population/ utilizing methodology determined to be appropriate by the Department. Each numerical or program goal should include a brief description of the area of concern, objectives which delineate specific intentions, action items outlining steps to be taken to achieve the objectives, the individual responsible for carrying out the action item, and the target date for completion, and the procedure for monitoring the progress toward meeting the goal.

- B. Methodology for Women and Minorities/
1. Factors: Numerical goals are must be determined for each affirmative action group which comprises 2 percent of the general population of the State of Illinois by computing the availability of that group in each of the EEO job categories in the agency workforce using nine factors/nine factors/which number be considered are considering the total number and the percentage of the affirmative action group:

a. 1/ the total number and the percentage of the

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- affirmative action group in the population of the State of Illinois;
- b. 2/ the total number and the percentage of the affirmative action group in the labor area/ surrounding geographic region in which the facility is located;
- c. 3/ the total number and the percentage of the affirmative action group in the total workforce in the labor area geographic region;
- d. 4/ the labor area total number and the percentage of the affirmative action group among those having requisite skills in the labor area geographic region;
- e. 5/ the total number and the percentage of the affirmative action group having the requisite skills in State executive government;
- f. 6/ the total number and the percentage of the affirmative action group among those promotable in the labor area geographic region;
- g. 7/ the total number and the percentage of the affirmative action group among of those who are transferable within the labor area geographic region;
- h. 8/ the total number and the percentage of the affirmative action group at institutions in the labor area geographic region providing training in the requisite skills;
- i. 9/ the total number and percentage of the affirmative action group among those in the labor area geographic region the agency can train in the requisite skills. Agencies may consider other appropriate factors, if in addition to the above/nine which are appropriate and approved by the Director.

2. The availability of members of each affirmative action

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group is determined by using the following methodology:

a. 1/ Each factor is assigned a value weight by the agency/facility on a scale of 1% to 100%. The value weight assigned must fall within the parameters found in Appendix B of this rulemaking. The sum of all value weights must be 100%, representing all persons available to work in a job category.

b. 2/ Each value weight is multiplied by the percentage of the affirmative action group in each of the factors. The result is a weighted factor for each of the nine categories.

c. 3/ The sum of the nine weighted factors is the availability percentage or ratio for that affirmative action group for that category for the agency/facility. This availability percentage or ratio is applied to the total number of positions in that the agency's EEO job category of the agency/facility to determine the numerical availability of the affirmative action group in each EEO job category of the agency/facility.

d. 4/ The agency/facility must indicate the sources of all its statistics in computing the availability percentage or ratio, and the reason(s) for its weighting value.

C. Methodology for Disabled Persons

Affirmative Action for Handicapped Disabled Persons/

1. Factors: A numerical goal must be determined on an agency-wide basis, considering the proportion of people with work disabilities in the Illinois labor force, as reflected in the most recent decennial Census.

2. Availability: Availability must be determined by using the following methodology:

(a) The total number of agency employees is multiplied by the percentage of employees with work disabilities in the Illinois labor force (as supplied by the Department);

(b) CMS will supply the number of agency employees with disabilities by determining the number of employees who disclose such conditions on the latest "Illinois Department of Human Rights Survey for Disabled Employees" form (IL 442-0254);

(c) The number of employees in 2(b) is subtracted from the result of 2(a);

(d) If the result of 2(c) is a positive number, the agency must adopt that number as its goal for employing persons with disabilities. If the result of 2(c) is "0" or a negative number, the agency is considered to be at parity with the external labor force.

D. Monitoring Procedures: An outline of the procedures to be used by the agency to determine whether the objectives are met by the dates indicated.

Part IV

Discrimination Complaint Process: A description of the procedures established by the agency to address charges of employment discrimination. This Part should include a statement that employees will be advised of their rights to file charges of discrimination with the Department and the U.S. Equal Employment Opportunity Commission.

Part V

A. Recruitment Procedures

B. Application Process Procedures

1. i. A review of employment criteria to assure they have no disparate adverse impact upon on employing handicapped disabled individuals persons;

2. ii. pre-employment inquiries--a statement regarding the inadmissibility of inquiries regarding an applicant's handicap disability during the interview process;

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3. ~~iii~~ employment testing ~~for~~ (for agencies conducting their own tests) -- a statement ~~that the agency will assure that all tests utilized that the tests do not have an disparate adverse impact upon on handicapped disabled applicants;~~
4. ~~iv~~ the prohibition of pre-employment physical medical examinations before an offer of employment unless such an examination is job related and required of all applicants for that position.
5. the prohibition of pre-employment medical examinations after an offer of employment, unless such examinations are job related and required of all applicants for that position.

C. Reasonable Accommodation/

1. ~~ii~~ Agency policy committing the agency to providing reasonable accommodations to ~~handicapped disabled~~ employees, signed by the Chief Executive Officer of the agency.

2. ~~iii~~ A description of the procedure to determine reasonable accommodation.

D. Physical Accessibility for Employment/

1. ~~i~~ ~~Of~~ personnel offices;
2. ~~ii~~ of the worksite;
3. ~~iii~~ for evacuation of ~~handicapped/employees disabled~~ persons in emergency situations.

Part VI

Applicable EEO Laws: This Part should set forth the relevant text of any federal law that mandates the agency to adhere to additional EEO/AA requirements.

Part VII

Appendix: This should include all support data.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Financial Futures Contracts
- 2) Code Citation: 50 Ill. Adm. Code 805
- 3) Section Numbers: Proposed Action:
- | | |
|--------|---------|
| 805.10 | Amended |
| 805.20 | Amended |
| 805.30 | Amended |
| 805.40 | Amended |
| 805.50 | Amended |
| 805.60 | Amended |
| 805.70 | Amended |
- 4) Statutory Authority: Implementing Article VIII and Section 133 and authorized by Sections 125.23a and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 736 et seq., 747, 737.23a and 1013).
- 5) A Complete Description of the Subjects and Issues Involved:
On December 11, 1992, the Chicago Board of Trade began issuing catastrophic insurance futures and options contracts and homeowners insurance futures and options contracts. The attached proposed amendments will clearly establish that insurance company investments in these instruments will be regulated under Section 125.23a of the Insurance Code and this Part. This Part will define specific accounting and statutory reporting requirements for insurance futures investments. Further, it restricts such investment to hedging transactions, allowing risk management but prohibiting speculative investment.
- 6) Will this proposed rule replace emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout, Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois 62767

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment will not affect small businesses.

The full text of the Proposed Amendment is identical to the Emergency Amendment being published in this issue of the Illinois Register on page 156.

- 1) Heading of the Part: Purchasing and Selling Call and Put Options Contracts

- 2) Code Citation: 50 Ill. Adm. Code 802

- 3) Section Numbers: Proposed Action:

802.10	Amended
802.20	Amended
802.30	Amended
802.40	Amended
802.50	Amended
802.60	Amended
802.70	Amended
802.80	Amended

- 4) Statutory Authority: Implementing Article VIII and Section 133 and authorized by Sections 125.24a and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 736 et seq., 745, 737.24a and 1013).

- 5) A Complete Description of the Subjects and Issues Involved:
On December 11, 1992, the Chicago Board of Trade began issuing catastrophic insurance futures and options contracts and homeowners insurance futures and options contracts. This proposed amendment will clearly establish that insurance company investment in these instruments will be regulated under Section 125.23a of the Insurance Code and this Part. This Part will define specific accounting and statutory reporting requirements for insurance futures investments. Further, it restricts such investment to hedging transactions, allowing risk management but prohibiting speculative investment.

- 6) Will this proposed rule replace emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed amendment will not require a local government to establish,

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expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David VanLieshout, Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois 62767

- 12) Initial Regulatory Flexibility Analysis:

The Department has determined that these amendments will not affect small businesses.

The full text of the Proposed Amendment is identical to the Emergency Amendment being published in this issue of the Illinois Register on page 165.

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- 1) Heading of the Part: Aid To Families With Dependent Children

- 2) Code Citation: 89 Ill. Adm. Code 112

- 3) Section Numbers: Proposed Action:

112.250 Amendment
112.252 Amendment
112.253 Amendment
112.254 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments limit payments to AFDC applicants who have emigrated to Illinois from other states. If an applicant has moved to Illinois from another state and received AFDC from that state during any of the twelve months immediately preceding the date the applicant's current Illinois residency began, the applicant is eligible to receive assistance in an amount no greater than the amount of AFDC received from the other state for the first twelve months of residency in Illinois. These amendments will apply as long as the Department has received all necessary federal waivers.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.9	Amendment	September 4, 1992 (16 Ill. Reg. 13381)
112.70	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.71	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.72	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.74	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.78	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.79	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.82	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.127	Amendment	December 18, 1992 (16 Ill. Reg. 19642)
112.153	Amendment	December 4, 1992 (16 Ill. Reg. 18216)
112.154	Repeal	September 25, 1992 (16 Ill. Reg. 14522)
112.330	Amendment	October 9, 1992 (16 Ill. Reg. 15277)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
 - B) Types of small businesses affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Incorporation By Reference
112.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
EMERGENCY	
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section	
112.70	Participation Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Initial Assessment Process/Development of an Employability Plan
112.76	Project Chance Orientation
112.77	Conciliation and Fair Hearings
112.78	Project Chance Components
112.79	Project Chance Sanctions
112.80	Good Cause for Failure to Comply With Project Chance Participation Requirements

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112.81 Responsible Relative Eligibility For Project Chance
 112.82 Project Chance Supportive Services
 112.83 Young Parents Program
 112.84 Work Experience Evaluation Project
 112.85 Four Year College/Vocational Training Demonstration Project

112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers
 112.155 AFDC Income Limit

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
 112.90 Project Advance Sanctions
 112.91 Good Cause for Failure to Comply with Project Advance
 112.93 Individuals Exempt From Project Advance
 112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
 112.98

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earnmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.134 Initial Employment

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Twelve Month Extension of Medical Assistance Due to Increased Income from Employment

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112.331 Four Month Extension of Medical Assistance Due to Child Support Collections

112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section

112.350 Child Care

112.352 Child Care Eligibility

112.354 Qualified Provider

112.356 Notification of Available Services

112.358 Participant Rights and Responsibilities

112.362 Additional Service to Secure or Maintain Child Care Arrangements

112.364 Rates of Payment for Child Care

112.366 Method of Providing Child Care

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400 Transitional Child Care Eligibility

112.404 Duration of Eligibility for Transitional Child Care

112.406 Loss of Eligibility for Transitional Child Care

112.408 Qualified Child Care Providers

112.410 Notification of Available Services

112.412 Participant Rights and Responsibilities

112.414 Child Care Overpayments and Recoveries

112.416 Fees for Service for Transitional Child Care

112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

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Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill.

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Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844,

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effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. , effective

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART H: PAYMENT AMOUNTS
Grant Levels
Section 112.250

- a) The amount of a recipient unit's grant is the unit's appropriate payment level minus that unit's non-exempt income, or

NOTICE OF PROPOSED AMENDMENTS

Section 112.250 (continued)

- b) If an applicant has moved to Illinois from another state and received financial assistance from that state under the AFDC program during any of the twelve months immediately preceding the date the applicant's current Illinois residency began, during the first twelve months that the applicant resides in Illinois the applicant is eligible to receive assistance in an amount no greater than the amount of AFDC received from the other state.
- b)c) If the amount of an AFDC recipient unit's grant, as determined under the appropriate provisions of the AFDC program, would be greater than \$0 but less than \$10.00, the recipient unit is not eligible to receive a grant. However, such recipient units shall be eligible for medical assistance or social services as if they were receiving a grant.
- e)d) If the amount of an AFDC recipient unit's grant, as determined under the appropriate provisions of the AFDC program, is not a whole dollar amount, the amount of the grant shall be rounded down to the next whole dollar amount.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 112.252 Payment Levels in AFDC Group I Counties

- a) The following Payment Levels are established for the AFDC Program in Group I Counties.
- b) The counties included in Group I are:

COUNTY	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY	
	CURRENT	GRANDFATHERED	CURRENT	GRANDFATHERED
Boone	212		102	
Champaign	268		201	
Cook	367		249	
DeKalb	414		319	
DuPage	485		379	
Kane				
Kankakee				
Ogle				
Winnebago				
Woodford				
Whiteside				

NOTICE OF PROPOSED AMENDMENTS

Section 112.252(b) (continued)

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY	
	CURRENT	GRANDFATHERED	CURRENT	GRANDFATHERED
6	545		407	417
7	574		438	479
8	604		469	511
9	635	649	503	571
10	669	700	538	
11	705	752	576	
12	741	814	614	
13	781			
14	822	926		
15	866			
16	911			
17	959			
18	1010			

- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50.00 or \$38.00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.
- e) For assistance units which contain both caretaker relatives and children and which contain nine (9) or more persons, two payment levels are established - Current and Grandfathered. Likewise, for assistance units with children only and which contain eight (8) or more persons, two payment levels are established - Current and Grandfathered.
- 1) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that Payment Level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the

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Section 112.252(e)(1) (continued)

appropriate family size. The Department will not withdraw "grandfathered" status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.

- 2) Current Payment Levels are the regular Payment Levels used by the Department and shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

f) If an applicant has moved to Illinois from another state and received AFDC from that state during any of the twelve months immediately preceding the date the applicant's current Illinois residency began, during the first twelve months that the applicant resides in Illinois the applicant is eligible to receive assistance in an amount no greater than the amount of AFDC received from the other state.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 112.253 Payments Levels in AFDC Group II Counties

- a) The following Payment Levels are established for the AFDC Program in Group II Counties.
- b) The counties included in AFDC Group II are:

COUNTY	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY	
	CURRENT	GRANDFATHERED	CURRENT	GRANDFATHERED
Adams				
Bureau				
Carroll				
Clinton				
Coles				
DeWitt				
Douglas				
Effingham				
Ford				
Fulton				
Grundy				
Henry				
Iroquois				
Jackson				
JoDaviess				
Knox				
LaSalle				
Lee				
Livingston				
Peoria				
Piatt				
Macon				
Macoupin				
Madison				
McDonough				
McLean				
Mercer				
Monroe				
Moultrie				
Wabash				
Warren				
Will				
Putnam				
Rock Island				
Sangamon				
St. Clair				
Stephenson				
Tazewell				
Vermilion				
1	204		97	
2	259		194	
3	355		242	
4	403		311	

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Section 112.253(b) (continued)

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY	
	CURRENT	GRANDFATHERED	CURRENT	GRANDFATHERED
5	471		369	
6	529		397	403
7	557		427	463
8	588		459	
9	619		491	
10	651	628	525	
11	685	681	561	
12	721	735	599	
13	760	794		
14	799	852		
15	841			
16	886	964		
17	934			
18	982			

- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$38.00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.
- e) For assistance units which contain both caretaker relatives and children and which contain nine (9) or more persons, two payment levels are established - Current and Grandfathered. Likewise, for assistance units with children only and which contain six (6) or more persons, two payment levels are established - Current and Grandfathered.

- 1) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that Payment Level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the

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Section 112.254(e)(1) (continued)

"grandfathered" status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.

- 2) Current Payment Levels are the regular Payment Levels used by the Department shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

- f) If an applicant has moved to Illinois from another state and received AFDC from that state during any of the twelve months immediately preceding the date the applicant's current Illinois residency began, during that first twelve months that the applicant resides in Illinois the applicant is eligible to receive assistance in an amount no greater than the amount of AFDC received from the other state.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: 140.19
Proposed Action: Amended
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)
- 5) Complete Description of the Subjects and Issues Involved:

The Department of Public Aid is proposing a minor correction in its rules on medical vendor participation in the medical assistance program. The proposed change deletes the word "automatically" from Section 140.19(b) which concerns the reinstatement of medical vendors after a period of suspension. The Department believes that the term "automatically" in this provision is misleading because several conditions are specified that must be met before the reinstatement. The Department had included the deletion of the term "automatically" in amendments proposed on March 27, 1992 (16 Ill. Reg. 4708); however, the deletion of the term "automatically" was inadvertently omitted from the adoption of those amendments (16 Ill. Reg. 19146). These proposed amendments will correct that omission.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.12	Amendment	November 6, 1992 (16 Ill. Reg. 17049)
140.80	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.82	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.84	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.94	Amendment	October 2, 1992 (16 Ill. Reg. 15019)
140.95	Amendment	October 2, 1992 (16 Ill. Reg. 15019)
140.485	Amendment	October 30, 1992 (16 Ill. Reg. 16495)
140.488	Amendment	October 30, 1992 (16 Ill. Reg. 16495)
140.492	Amendment	September 4, 1992 (16 Ill. Reg. 13397)
140.511	Amendment	November 20, 1992 (16 Ill. Reg. 17461)
140.525	Amendment	August 28, 1992 (16 Ill. Reg. 13211)

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Sections	Proposed Action	Illinois Register Citation
140.538	Amendment	August 28, 1992 (16 Ill. Reg. 13211)
140.642	Amendment	November 30, 1992 (16 Ill. Reg. 17956)
140.648	Amendment	November 13, 1992 (16 Ill. Reg. 17209)
140.700	Amendment	May 15, 1992 (16 Ill. Reg. 7576)
140.TABLE K	Amendment	October 9, 1992 (16 Ill. Reg. 15296)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December , 1992
- B) Types of small businesses affected: Physicians, Other Medical Providers

- C) Reporting, bookkeeping or other procedures required for compliance: None

- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)
SUBPART C: PROVIDER PARTICIPATION FEES	
Section	
140.80	Hospital Provider Fund
EMERGENCY	
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
EMERGENCY	
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
EMERGENCY	
140.95	Hospital Services Trust Fund
EMERGENCY	
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)

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140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items
	Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services

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140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy
 Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items -
 Podiatry
 140.428 Chiropractic Services
 140.429 Limitations on Chiropractic Services (Repealed)
 140.430 Independent Laboratory Services
 140.431 Services Not Covered by Independent Laboratory
 140.432 Limitations on Independent Laboratory Services
 140.433 Payment for Laboratory Services
 140.434 Record Requirements for Independent Laboratories
 140.435 Nurse Services
 140.436 Limitations on Nurse Services
 140.440 Pharmacy Services
 140.441 Pharmacy Services Not Covered
 140.442 Prior Approval of Prescriptions
 140.443 Filling of Prescriptions
 140.444 Compounded Prescriptions
 140.445 Prescription Items (Not Compounded)
 140.446 Over-the-Counter Items
 140.447 Reimbursement
 140.448 Returned Pharmacy Items
 140.449 Payment of Pharmacy Items
 140.450 Record Requirements for Pharmacies
 140.452 Mental Health Clinic Services
 140.453 Definitions
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 140.TABLE K Services Qualifying for 10% Add-On
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm.

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Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 29, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13908, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 8128, effective April 30, 1986; amended at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25,

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[illegible]

effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at

16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

a) A vendor that has been terminated from the Medical Assistance Program may not apply to participate for at least one year from the date of the final administrative decision terminating eligibility. After one year a vendor who has been terminated may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he shall be barred from again applying for reinstatement for one year from the date of the final administrative decision denying his application for reinstatement.

b) At the end of a period of suspension, a vendor that has been suspended from the Medical Assistance Program shall be reinstated automatically upon completion of the necessary enrollment forms and execution of a new vendor agreement unless it is determined that such vendor has not corrected the deficiencies upon which the suspension was based. If the deficiencies have not been corrected, the vendor shall, after notice and hearing, be terminated. The notice in any termination action based on this Section shall notify the vendor of the deficiencies not corrected.

c) An individual barred pursuant to Section 140.18 can apply to participate in the Medical Assistance Program. If an individual's application is denied by the Department or if he is denied special permission under Section 140.32, he shall be barred from again applying for one year from the date of the final administrative decision denying his application or special permission.

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rules of Conduct
- 2) Code Citation: 89 Ill. Adm. Code 827
- 3) Section Numbers:
 827.10 Proposed Action:
 Amendment
 827.30
 Amendment
 827.40
- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3441, 3442, 3434(f)).
- 5) A Complete Description of the Subjects and Issues involved:
 Affecting the operation of the three DORS schools for exceptional children, Section 827.10 is being amended to specify standards for discipline of students and determination of financial restitution. Sections 827.30 and 827.40 clarify disciplinary actions and appeals of such actions.

These amendments were approved by JCAR but inadvertently not filed with the Code Division, and therefore need to be resubmitted.

Changes other than those originally proposed include: reincorporation of a procedure or appraisal/notification of damages, designation of a different DORS unit responsible for collection of damages, reinstatement of an explanation of the process for determining the cost of damages, and other minor clarifications and wording changes.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
 Yes No X
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

- 10) Statement of Statewide Policy Objectives (if applicable):
 This is not applicable to this Rulemaking.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
 T.D.D./T.T.: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER f: EDUCATIONAL SERVICES

PART 827
 RULES OF CONDUCT

Section

- 827.10 General Applicability
 827.20 Infractions by Students
 827.30 Disciplinary Actions
 827.40 Appeals of Disciplinary Actions

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 190991, ch. 23, pars. 3441, 3442, 3434(f)).

SOURCE: Adopted at 11 Ill. Reg. 6500, effective March 27, 1987; amended at 12 Ill. Reg. 14700, effective September 2, 1988; amended at 156 Ill. Reg. _____, effective _____.

Section 827.10 General Applicability

- a) The term parent as used in this Part means the natural or adoptive parent, or legal guardian of the person of a child student.
- ba) The Department of Rehabilitation Services, hereinafter referred to as the "Department" or "DORS", operates three schools for exceptional children: the Illinois School for the Deaf (ISD), the Illinois School for the Visually Impaired (ISVI), and the Illinois Children's School and Rehabilitation Center (ICSRC). The disciplinary action taken by staff at these schools will be progressive in nature. It will be in response to: the seriousness of the infraction which has occurred; the age and exceptional characteristics (as defined in 23 Ill. Adm. Code 226.5) of the involved student; and the number of times he or she has been involved in similar behavior. But, sufficient flexibility is allowed to enable the responsible staff to exercise sound professional judgement in determining the disciplinary action which will be taken. Each case is judged individually by experienced staff who take

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all relevant factors into consideration when reaching a decision.

cb) Although there are elements of punishment in most of the listed disciplinary actions, staff's primary goals in determining and administering discipline are to modify the student's future behavior so he or she will participate more appropriately in the school's programs, and to protect the rights and safety of the other students. Treatment which is basically punitive rather than corrective shall be used only as a last resort.

dc) When school staff have been made aware by the student's parents of their desire to be involved in their child's discipline, or when the Superintendent or the Superintendent's designee, based on their judgement, has determined the incident so serious as to require that parental involvement is needed, parents will be notified and fully involved in determining appropriate discipline.

ed) In addition to the disciplinary action contained in Section 827.30, when the superintendent/designee has determined that financial restitution will be required when damage results from a student's behavior that requires disciplinary action, and when that damage is to state property and is greater than \$100.00, he or she the student shall have an impartial appraisal of the losses or damages made. When the amount of damage is determined, the responsible student and his/her parents will be requested required to immediately pay 5% of the cost of the damage upon notification by the Superintendent or designee of the amount. The Client Financial Analysis form (IL488-0265) will be used to determine the student's and/or family's resources. The amount of payment due for the remainder of restitution will be determined by the Determination Table for Client Participation (89 Ill. Adm. Code 562. TABLE A). provide restitution, and a plan for restitution will be developed unless there is convincing evidence that the student and his/her parents are clearly unable to pay even a portion of the amount involved. If the family indicates an inability to provide restitution, the family's response will be referred to the Begal Unit, which, based upon the family's known financial situation, will determine if

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restitution should be pursued through legal action--if the student and/or the parents refuse to cooperate or to follow through on the restitution plan, the superintendent shall contact the legal unit to initiate appropriate legal action.

- 1) If the student is declared a dependent on the latest federal income tax return of the parent, the student and his/her parents will be responsible for paying the damages.
- 2) If the student is not a dependent, the student will be responsible for paying the damages.
- 3) If the student and/or parent refuses to cooperate or to follow through on the restitution payment, the superintendent shall contact the General Counsel Accounts Receivable Unit in DORS to begin collection proceedings.

(Source: Amended at 156 Ill. Reg. _____, effective _____)

Section 827.30 Disciplinary Actions

- a) The following disciplinary actions can be issued by school staff, as set forth in this Section and in accordance with Section 827.10.
 - 1) Counseling - Any staff person working directly with students may informally counsel a student on a given time-limited, relatively uncomplicated matter. However, ongoing counseling-of-ongoing- or complex counseling nature requiring specialized professional skills must be approved by reported to the staff-person's-supervisor superintendent via the administrative chain.
 - 2) A Verbal reprimand is can be issued by any staff person.
 - 3) A Written reprimand can be is issued by educational and dormitory staff having-direct responsibility-for-the-student-if they observe the student in activities which warrant such action. Administrative staff can also issue

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written reprimands upon the recommendation of the appropriate staff.

- 4) Special assignment of duties is can only be issued by staff having direct responsibility for the student.
 - A) Special assignments requiring more than 3 hours of the student's time or being issued by a staff person who has issued a prior special assignment to the student, must receive prior approval from the staff person's supervisor.
 - B) Special assignments requiring more than 5 hours of the student's time must receive prior approval from the school's superintendent or the superintendent's designee.
 - 5) Retain After School - A teacher who retains a student more than 1 hour a day for three days per year must receive prior approval from the teacher's supervisor.
 - 6) Supervised Study - A teacher who assigns supervised study to a student for more than 3 hours per week for more than 2 weeks per year as a disciplinary action, must receive prior approval by the teacher's supervisor.
 - 7) Withdrawal of Privileges, such as extra-curricular or social activities, will be issued by appropriate school staff and/or school administrators based upon the seriousness of action-to-be-taken: of the student's infractions.
- b) The following disciplinary actions must be approved by a supervising teacher or supervisor of child care, as set forth in this Section and in accordance with Section 827.10.
 - 1) Schedule Change - Changes in the student's Individualized Education Program (IEP) resulting from disciplinary needs require prior approval by notification to the student's parents.

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and-the-school-superintendent-

meeting-with-involved-staff-to after
reviewing all relevant facts.

- 2) Restriction to Campus - Restricting a student to campus does not apply to scheduled school vacation time.

A) If the restriction to campus is less than 1 week, the supervising teacher or supervisor of child care must approve the restriction.

B) If the restriction to campus exceeds 1 week, the superintendent or the superintendent's designee must approve the restriction.

C)-----If-the-restriction-to-campus-exceeds-2 weeks,-the-superintendent-(for-staff appointed-by-the-superintendent-to-act on-his-or-her-behalf-during-the superintendent's-absence)-must-approve the-action-

- c) The-following-disciplinary-action-must-receive-prior approval-from-the-superintendent-of-the-school-or-the superintendent's-designee,-as-set-forth-in-this-Section and-in-accordance-with-Section-827.10.

1)---Restriction-to-Classroom-During-Day-and to-Dormitory-at-Other-Times---If-the-restriction is-for-4-days-or-less,-the-Superintendent/designee must-approve-the-restriction-

-----2) Restriction to Classroom During Day and to Dormitory Room at Other Times -

1) If the restriction is for 2 days or less the dorm supervisor must approve the restriction.

2) If the restriction is more than 2 days, the superintendent for staff appointed-by-the-superintendent-to-act on-his-or-her-behalf-during-the superintendent's-absence)-designee must approve the restriction following-a

- d) The following disciplinary actions must receive prior approval only-by-from the superintendent for-staff appointed-by-the-superintendent-to-act-on-his-or-her behalf-during-the-superintendent's-absence)-of-the school-or designee, as set forth in this Section and in accordance with Section 827.10.

1) Suspension from the Dormitory But Not from the School - Such suspension shall not become effective until the superintendent has:

A) held a multidisciplinary staffing to determine whether such action is appropriate in relation to the disciplinary infraction;

B) held discussions with the student's parents or legal guardian and has determined that an appropriate alternative living arrangement will be made by the parents for the student during the period of the suspension; and

C) notified the Local Education Agency (LEA) of parental/student residence (LEA) of the pending action.

- 2) Expulsion From the Dormitory But Not From the School - Such expulsion shall not become effective until the superintendent has reviewed all relevant facts and has:

A) held a multidisciplinary staffing to determine whether such action is appropriate in relation to the disciplinary infraction;

B) held discussions with the parents or legal-guardian and determined that they will provide an appropriate, permanent, alternative living arrangement for the student;

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- C) received prior approval for the action from the Associate Deputy Director of Educational Services Administrator of the Division of Services for Children, after the Associate Deputy Director has discussed the action with the Legal Unit Division;
- D) notified the LEA of parental/student residence of the pending action; and
- E) revised the student's IEP.
- 3) Suspension From School - Such suspension shall not become effective until the superintendent has:
- A) reviewed all relevant facts and has notified the parents and the LEA of parental residence in writing of the pending action and the appeal process pursuant to Section 827.40. unless it is an emergency situation Notification must be made within 10 school days from the date of the superintendent's review; If it is an emergency situation, Notification may then be made by telephone, with written confirmation following; Notification must be made within 10 school days from the date of the superintendent's review;
- B) ensured the suspension is being handled in accordance with 89 Ill. Adm. Code: * Chapter IV, subchapter f 755.260; and
- C) consulted with the Associate Deputy Director of Educational Services who will consult with the General Counsel in DORS, if the total of all suspensions in the given school year will be more than 10 days.
- e) Change of placement Expulsion from the school can only be done by with the prior approval of the Director of the Department of Rehabilitation Services

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- {DORS}. ~~Expulsion~~ Change of placement will only be used for cases of serious infractions which pose a significant threat to the safety or rights of the student or others.
- 1) Prior to ~~expulsion~~ the change of placement, the student shall can be temporarily suspended pending an investigation of the situation by the school superintendent. The total of all suspensions can not be more than 10 school days in the aggregate for the school year. ~~from school, pending an investigation of the situation by the school superintendent. This suspension will not exceed 10 school days. The suspension will be administered pursuant to 89 Ill. Adm. Code 755.260.~~
- 2) At By the onset of the suspension, notification of the suspension, and investigation, will multidisciplinary staffing, and appeals procedures must be given to the student's parents or legal guardian and the Local Education Agency (LEA) of parental/student residence.
- 3) The Superintendent's investigation must be completed during the first 5 school days of the suspension and will shall consist of:
- A) reviewing all available evidence and extenuating circumstances;
- B) interviewing school staff and students, as appropriate;
- C) holding a multidisciplinary staffing which includes the student, the parent/sor-guardian, and the LEA, if possible;
- D) obtaining as much input as possible from the involved student, the student's parent/sor-guardian, and the LEA;
- E) reviewing all information in 89 Ill. Adm. Code: Chapter IV, subchapter f 755.260 ~~light of the "Rules and Regulations to Govern the Administration~~

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and Operation of the State Schools" to determine if all past and proposed actions are consistent with the requirements of the subchapter, document and and

E) discussing the issue with the Associate Deputy Director of Educational Services, who must discuss it with the General Counsel in DORS.

- 4) Based on the findings of the investigation, the superintendent will decide whether to recommend expulsion determine if a recommendation for expulsion is appropriate.--Such a recommendation must be forwarded to the Director.
- 5) The Director shall base the decision of accepting or rejecting the recommendation to expel on the documentation provided and the criteria contained within this subsection. The Director's decision must be reached during the second 5 school days of the student's suspension.

(Source: Amended at 156 Ill. Reg. _____, effective _____)

Section 827.40 Appeals of Disciplinary Actions

- a) Actions taken by the Department DORS in conformance with this Part are appealable through procedures as set forth in this Section. In cases where the parents can waive steps one and two and begin the appeal are involved in the appeal and it would be unduly inconvenient or expensive for them to make repeated trips to the school, the superintendent will agree, at the parents' request, to begin the appeal at step four, three. In such cases the superintendent will appropriately involve the person who imposed the disciplinary action as well as that person's supervisor. Similarly, with the parent's consent the Director will agree to can combining steps 45 and 5.6. -- If the student receiving the discipline and/or his parents are dissatisfied with disciplinary actions taken:

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-----1)-----the student and/or his/her parents should first check 09-111. Adm. Code 080-10(b) to determine whether the issue involved qualifies as a reason for requesting an impartial due process hearing. If it does, the procedures included in 09-111. Adm. Code 800 should be followed. -- If the issue to be appealed involves the provision of vocational rehabilitation services, the procedures in DORS, Fair Hearings process, Administrative Reviews and Hearings (09-111. Adm. Code 510) should be followed. --

-----2)-----when the action is appealable under this Section, the student and/or his/her parents should ask the staff person who imposed the disciplinary action for a meeting to explain the student's and/or his/her parents' position within 3 school days of the date the student and/or his/her parents learned of the disciplinary action. -- In cases of serious disciplinary action, the action will not take place until the appeal has been exhausted. If the matter is not resolved to the student's and/or his/her parents' satisfaction at this meeting, and --

-----3)-----the student and/or the parents wish to pursue the matter further, the student and/or his/her parents should request a meeting with the supervisor of the person who imposed the disciplinary action within 3 school days after the student and/or his/her parents met with that person. -- If the matter is not resolved,

-----4)-----the student and/or his/her parents should request a meeting with the superintendent or the superintendent's designee within 3 school days after the student and/or his/her parents met with the supervisor. -- If the matter is still not resolved,

-----5)-----the student and/or his/her parents should write a letter to the Administrator of the Division of Services for Children in the Central Office of DORS requesting a meeting with the Administrator or the Administrator's designee within 3 school days after the student and/or his/her parents met with the superintendent. -- If the matter is still

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not-resolved-to-the-student's-or-parents'-satisfaction;

6)-----the-student-and/or-his/her-parents-should-write-a letter-to-the-Director-of-DORS-requesting-a meeting-with-the-Director-or-the-Director's designee-within-3-school-days-of-the-date-the student-met-with-the-administrator;

b) In cases of suspensions and change of placement, the action will not take place until the appeal has been exhausted.

c) If the student receiving the discipline and/or his/her parents are dissatisfied with disciplinary actions taken, they can appeal as follows:

1) The student and/or his/her parents should review 23 Ill. Adm. Code 226.605 to determine whether the issue involved qualifies as a reason for requesting an impartial due process hearing. If it does, 89 Ill. Adm. Code 800 should be followed. If the issue to be appealed involves the provision of vocational rehabilitation services, "Appeals and Hearings" (89 Ill. Adm. Code 510) should be followed. Both 23 Ill. Adm. Code 226.605 and 89 Ill. Adm. Code 800 are included in the Resource Supplement Handbook on Rights and Responsibilities Procedures.

2) Step 1. When the action is appealable under this Section, the student and/or parents should, within 3 school days after learning or being informed by the school of the disciplinary action, ask the staff person who imposed the disciplinary action for a meeting to explain the student's and/or his/her parents' position.

3) Step 2. If the matter is not resolved to the student's and/or parents' satisfaction at the meeting the student and/or parents should, within 3 school days after meeting with the person who imposed the disciplinary action, request a meeting with the supervisor of that person.

4) Step 3. If the matter is not yet resolved, the student and/or his/her parents should, within 3

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school days after meeting with the supervisor, request a meeting with the superintendent. The superintendent may approve a designee to conduct the meeting.

5) Step 4. If the matter is still not resolved, the student and/or parents should, within 3 school days after meeting with the superintendent, write a letter to the Associate Deputy Director of Educational Services requesting a meeting with the Associate Deputy Director or designee.

6) Step 5. If the matter is still not resolved to the student's and/or parent's satisfaction, the student and/or his/her parents should, within 3 school days after meeting with the Associate Deputy Director of Educational Services, write a letter to the Director of DORS requesting a meeting with the Director or the Director's designee.

db)-----In-all-cases-at-the-school-levelFor steps 1, 2 and 3 the employee-to-which-a-request-for-a-meeting is-submitted-will must schedule-take place the meeting within 4 working school days of the date he/she-received the request is received. Central Office-staff-to-which-a-request-for-aFor steps 4 and 5 the meeting is-submitted,-will-schedule-the-meeting must take place within 5 working days of the date the written request is received.

ee) A student has the right to be accompanied or assisted by his/her parents, or other adult of the student's choosing at any or all of the meetings. Any expenses which result from involving the adults must be borne by the student or some source other than the school.

(Source: Amended at 156 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 620
- 3) Section Number: Proposed Action:
620.130 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 130, par. 101 et seq.
- 5) A Complete Description of the Subjects and Issues Involved:
Amending Section 620.130 of the Ill. Adm. Code as required by Public Act 87-796.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

David Vaught
Office of the Treasurer
Suite 15-600, State of Illinois Center
Chicago, IL 60601
(312) 814-1700
- 12) Initial Regulatory Flexibility Analysis:
- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 7, 1992
- B) Types of small businesses affected: The amendment set forth in this Part will not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: Small businesses will not be required to undertake any reporting or bookkeeping activities pursuant to this Part.
- D) Types of professional skills necessary for compliance: No professional skills are required of small businesses pursuant to this Part.

The full text of the Proposed Amendments begins on the next page.

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER IV: TREASURER

PART 620

MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

Section

620.110 Examination
 620.120 Examinations - Time and Place
 620.130 Veterans' Preference
 620.140 Equal Opportunity
 620.150 Residency Requirement
 620.160 Employment of Family Members
 620.170 Linguistic Requirements
 620.180 Eligible Lists
 620.190 Responsibilities of Eligibles
 620.200 Appointments - Positions Subject to the Code
 620.210 Types of Status
 620.220 Extension of the Code

SUBPART B: CONTINUOUS SERVICE

Section

620.310 Definition
 620.320 Interruptions in Continuous Service
 620.330 Deductions from Continuous Service
 620.340 Veterans Continuous Service
 620.350 Peace Corps or Job Corps Enrollees Continuous Service
 620.360 Accrual and Retention of Continuous Service During Certain Leaves
 620.370 Limitations on Continuous Service

SUBPART C: PERFORMANCE REVIEW

Section

620.410 Performance Records
 620.420 Performance Evaluation Forms

SUBPART D: PROBATIONARY STATUS

Section

620.510 Probationary Period
 620.520 Certified Status
 620.530 Status Change in Probationary Period

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SUBPART E: PROMOTIONS

Section

620.610 Definitions
 620.620 Eligibility for Promotion
 620.630 Limitations on Promotions
 620.640 Failure to Complete Probationary Period

SUBPART F: EMPLOYEE TRANSFER

Section

620.710 Transfer
 620.720 Intra-agency Transfer
 620.730 Inter-agency Transfer
 620.740 Rights of Transferred Employees
 620.750 Transfer of Duties
 620.760 Limitation on Transfers

SUBPART G: DEMOTION

Section

620.810 Definition
 620.820 Notice to Employee
 620.830 Employee Obligations
 620.840 Salary and Other Benefits of Employee
 620.850 Appeal by Certified Employee
 620.860 Demotion of Other Employees
 620.870 Status of Demoted Employees

SUBPART H: LAYOFFS AND REEMPLOYMENT

Section

620.910 Layoff Procedure
 620.920 Order of Layoff
 620.930 Effective Date of Layoff
 620.940 Disapproval
 620.950 Reemployment Lists
 620.960 Reemployment from Reemployment List
 620.970 Removal of Names from Reemployment List
 620.980 Laid Off Probationary Employees
 620.990 Reconsideration Request Laid Off Certified Employee

SUBPART I: VOLUNTARY REDUCTION

Section

620.1010 Voluntary Reduction of Certified and Probationary Employees
 620.1020 Limitations in Voluntary Reduction
 620.1030 Employee Opportunity to Seek Voluntary Reduction
 620.1040 Order of Preference in Voluntary Reduction

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SUBPART J: RESIGNATION AND REINSTATEMENT

Section	
620.1110	Resignation
620.1120	Reinstatement
620.1210	Progressive Corrective Discipline
620.1220	Discipline-Written Warnings
620.1230	Suspension Totalling Not More Than Thirty Days in any Twelve Month Period
620.1240	Suspension Totalling More Than Thirty Days in any Twelve Month Period
620.1250	Notice of Suspension to Employee
620.1260	Employee Obligations
620.1270	Hearing-Suspension Thirty Calendar Days or More
620.1280	Suspension Pending Decision on Discharge
620.1290	Approval of Director of Personnel
620.1300	Discharge of Certified Employee
620.1310	Notice of Discharge to Employee
620.1320	Appeal by Employee
620.1330	Discharge of Probationary Employee
620.1340	Reinstatement from Suspension or Discharge
620.1350	Prohibition of Discrimination

AUTHORITY: Implemented and authorized by the State Treasurer Employment Code (Ill. Rev. Stat. 1991, ch. 130, pars. 101 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 21036, effective December 11, 1990; amended at 16 Ill.

Reg. _____, effective _____.

Section 620.130 Veterans' Preference

Qualified persons who have passed an examination and who have been members of the armed forces of the United States in times of hostilities with a foreign country (as set out in the Code) or while citizens of the United States were members of the armed forces of allies of the United States in time of hostilities with a foreign country, shall be granted preference in entrance examinations as follows:

- e) Five points shall be added to the entrance grade for such non-disabled veteran eligibles.
- b) Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veterans Administration or from such allied country for war service connected disabilities.
- c) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.
- a) For the granting of appropriate preference in entrance examinations to qualified persons who have been members of the armed forces of the United States or to qualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country, and to certain other persons as set forth in this Section.

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- 1) "Time of hostilities with a foreign country" means any period of time in the past, present or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- 2) "Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard. Service in the Merchant Marines that constitutes active duty under Section 401 of federal Public Law 95-202 shall also be considered service in the Armed Forces of the United States for purposes of this Section.
- b) The preference granted under this Section shall be in the form of Points added to the final grades of the persons if they otherwise qualify and are entitled to appear on the list of those eligible for appointments.
- c) A veteran is qualified for a Preference of 10 points if the veteran currently holds proof of a service connected disability from the United States Department of Veterans Affairs or an allied country or if the veteran is a recipient of the Purple Heart.
- d) A veteran who has served during a time of hostilities with a foreign country is qualified for a preference of 5 points if the veteran served under one or more of the following conditions:
 - 1) The veteran served a total of at least 6 months or
 - 2) The veteran served for the duration of hostilities regardless of the length of engagement or
 - 3) The veteran was discharged on the basis of hardship or
 - 4) The veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.
- e) A person not eligible for a preference under subsection (c) or (d) above is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person:
 - 1) service for at least 6 months and has been discharged under honorable conditions or
 - 2) has been discharged on the basis of hardship or
 - 3) was released from active duty because of the service connected disability.

An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference if the member meets

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the service requirements of this subsection.

- d) The rank order of persons entitled to a preference on eligible lists shall be determined on the basis of their augmented ratings. When the Director establishes eligible lists on the basis of category ratings such as "superior," "excellent," "well qualified," and "qualified," the veteran eligible in each such category shall be preferred for appointment before the non-veteran eligibles in the same category.
- e) Employees in positions covered by this Code who, while in good standing, leave to engage in military service during a period of hostility, shall be given credit for seniority purposes for time served in the armed forces.
- h) A surviving unmarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section.
- i) A preference shall also be given to the following individuals: 10 points for one parent of an not remarrried veteran who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.

(SOURCE: Amended at 16 Ill. Reg. _____ effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Promotional Practices of Electric and Gas Public Utilities
- 2) Code Citation: 83 Ill. Adm. Code 275
- 3) Section Numbers: Adopted Action:
275.20 Amendment
- 4) Statutory Authority: Implementing Sections 4-101 and 7-205 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 4-101, 7-205, and 10-101).
- 5) Effective Date of Amendment: January 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: December 9, 1992
- 9) Notice of Proposal Published in Illinois Register:
June 5, 1992, at 16 Ill. Reg. 8269.
- 10) Has JCAR issued a Statement of Objections to this amendment? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: This amendment will exclude practices that are part of a least-cost plan from the scope of promotional practices.

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 275

PROMOTIONAL PRACTICES OF ELECTRIC AND GAS PUBLIC UTILITIES

~~(GENERAL ORDER 1957)~~

Section

275.10 Scope and Application

275.20 Definitions

275.30 Promotional Practices or Allowances Prohibited

275.40 Standards Governing Promotional Practices and Allowances

275.50 Filing of Present Promotional Practices and Allowances

with and Approved by the Commission

275.60 Filing of Proposed Promotional Practices and Allowances

275.70 Filing of Annual Report

275.80 Retroactive Effect

275.90 Right to Amend

275.100 Powers of Suspension

AUTHORITY: Implementing Sections 4-101 and 7-205 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 4-101, 7-205, and 10-101).

SOURCE: Effective May 1, 1969; codified at 8 Ill. Reg. 7601; amended at 17 Ill. Reg. 98, effective January 1, 1993.

Section 275.20 Definitions

As used herein, the term:

- a) "Affiliate of a Public Utility" shall include any individual or corporation which directly or indirectly controls, or is controlled by, or is under common control with, a public utility;
- b) "Electric and Gas Public Utility" shall have the meaning assigned to it in Section 3-105 ~~Section 10-3~~ of the Public Utilities Act of the State of Illinois (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 3-105);
- c) "Promotional Practices or Allowances" shall mean:
 - 1) Any payment, donation, gift, subsidy, conveyance, transfer or other consideration (whether in cash, property, merchandise, labor or as a guarantee)

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granted to any group, corporation or individual for the purpose or evident design of inducing the recipient to:

- A) Purchase, select or use the service or additional service of the public utility;
- B) Purchase or install equipment, facilities or appliances designed to use such utility service;
- C) Specify the purchase or installation of equipment, facilities or appliances designed to use such utility service.

2) ~~The three subparagraphs (a)-(c)-(1)-(A), (B), and (C)~~
Subsections (c)(1)(A) through (c)(1)(C) above shall include, without limitation:

- A) Free, or less than cost, installation, operation, repair, modification or maintenance of equipment, facilities or appliances of any other person;
- B) Free, or less than cost, public utility service;
- C) Free, or less than cost, non-utility professional service except payments to architects or engineers for feasibility studies made on behalf of the utilities;
- D) Payment of cash or other considerations to architects, builders, subdividers, developers or others in the same category for work done on property not owned by the utility;
- E) Less than cost financing of the purchase price of equipment, facilities or appliances;
- F) Guarantees as to the maximum amount of bills for utility service;
- G) Financing assistance -- the extension of credit, making of a loan or investment, directly or indirectly, to any group, corporation or individual by any means whatsoever including, without limitation, loans,

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advances, guarantees, investments, leases, sale and repurchase or sale and lease-back agreements, sales on open account and conditional or installment sales contracts;

- H) Discounts or allowances (including trade-in allowances, cash, merchandise or labor) for the purchase or service of air conditioning or heating equipment, stoves, refrigerators, washing machines, dryers or other appliances;
 - I) Installation of free, or less than cost, wiring, piping or other facilities on the customer's side of a service entrance;
 - J) Advertising or contributing to advertising on account of a customer or potential user of the utility's service.
- 3) Exceptions: Notwithstanding the foregoing definitions, the following shall not be considered as a promotional practice or allowance:
- A) Making emergency repairs to equipment, facilities or appliances of customers;
 - B) Offering allowances or financing assistance to employees of the utility to encourage employees' use of the utility's service;
 - C) Ownership by the utility of equipment for the utilization of its service when such ownership is incidental to demonstrations of sixty days or less in duration;
 - D) Providing light bulbs, street or outdoor lighting service, service pipe or other service equipment or facilities, in accordance with rate schedules filed with and approved by the Commission;
 - E) Providing appliances to an educational institution for the purpose of instructing students in the use of such appliances;
 - F) Selling household appliances at retail and, in connection therewith, the holding of inventories, making and fulfillment of reasonable

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warranties against defects in material and workmanship existing at the time of delivery and the extension of credit, provided that the effective rate of interest on any deferred payments and the terms with respect thereto shall not be more favorable than those generally applicable to sales by non-utility dealers in such appliances, and provided that no such sale be made by the utility below its invoice cost and that no trade-in allowance in excess of market value may be made;

G) Any action consistent with such rules as the Commission may, from time to time, adopt with respect to standards of service, local ordinances, franchises and contributions;

H) Practices or allowances which are part of a program designed to utilize economical means of conservation, non-conventional technologies relying on renewable energy resources, cogeneration, and improvement in energy efficiency as approved by the Commission as part of a utility's least-cost plan.

(Source: Amended at 17 Ill. Reg. 98, effective January 1, 1993)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Transitional Bilingual Education
- 2) Code Citation: 23 Ill. Adm. Code 228
- 3) Section Number: Adopted Action:
228.15 New Section
228.20 Amendment
228.25 New Section
228.30 Amendment
228.50 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, pars. 14C-1 et seq.
- 5) Effective Date of Amendments: December 18, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: December 15, 1992
- 9) Notice of Proposal Published in Illinois Register:
June 19, 1992, 16 Ill. Reg. 9253.
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:
The only differences between the proposal and the final version reflect technical corrections made at the request of the Administrative Code Division.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No changes were requested by the Joint Committee on Administrative Rules.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Amendment:

This rulemaking is prompted by an agreement reached between the State Board and the Mexican American Legal Defense and Education Fund (MALDEF). The plan of action implementing that agreement provides among other things for amending these rules to:

achieve added uniformity among districts in the determination of students' eligibility for bilingual education services;

state the parents' role in approving re-enrollment of students who were withdrawn from bilingual education prior to the expiration of three years; and

increase the minimum number of times each district's parent advisory committee must meet each year from two to four.

We are also taking this opportunity to revise the rules in response to two of the recommendations of the Superintendent's Rules Advisory Committee. We agreed to clarify the eligibility of both full-day and half-day kindergarten students for full-time and part-time placement in bilingual programs. In addition, we agreed to eliminate the language proficiency requirement for noncertified support personnel in transitional bilingual education (TBE) programs by making the standards for these staff members identical to those for similar staff in transitional programs of instruction (TPI).

16) Information and questions regarding this adopted 36 shall be directed to:

Name: Maria Medina Seidner
Address: Illinois State Board of Education
100 West Randolph Street
Chicago, Illinois 60601
Telephone: (312) 814-3850

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: SPECIAL COURSES OF STUDY

PART 228

TRANSITIONAL BILINGUAL EDUCATION

Section

Definitions

228.10 Identification of Eligible Students

228.15 ~~Identification and Assessment~~ Public School Bilingual

Census

228.25 Program Options, Placement, and Assessment

228.30 Establishment of Programs

228.40 General Program Requirements

228.50 Program Plan Approval and Reimbursement Procedures

228.60 Enforcement

AUTHORITY: Implementing Article 14C and authorized by Section 2-3.39(1) of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 14C-1 et seq. and par. 2-3.39(1)).

SOURCE: Adopted May 28, 1976; codified at 8 Ill. Reg. 5176; Part repealed, new Part adopted at 11 Ill. Reg. 5969, effective March 23, 1987; amended at 17 Ill. Reg. 104___, effective Dec. 18, 1992.

NOTE: Capitalization denotes statutory language.

Section 228.15 Identification of Eligible Students

a) Each school district shall administer a home language survey to each student entering the district's schools for the first time, for the purpose of identifying students of non-English background. The survey shall include at least the following questions:

- 1) Whether a language other than English is spoken in the student's home and, if so, which language; and
- 2) Whether the student speaks a language other than English and, if so, which language.

b) The home language survey shall be administered in English and, if feasible, in the student's home language.

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c) The home language survey form shall provide a space for the signature of the student's parent or legal guardian.

d) The completed home language survey form shall be placed into the student's temporary record as defined in 23 Ill. Adm. Code 375 (Student Records).

e) It shall be the duty of each school district conducting home language surveys to use its best efforts in seeking out children believed to be of limited English proficiency who are resident within such district but are not enrolled in a private school within the district.

f) The district shall administer an individual language proficiency assessment to each student identified through the home language survey as having a non-English background. This assessment shall take place within four weeks of the student's enrollment in the district, for the purpose of determining the student's eligibility for bilingual education services.

g) Individual language proficiency assessments shall be conducted in accordance with the following requirements.

1) A nationally normed test of English-language proficiency shall be administered to each student who is old enough to take such a test. Each such test shall include measures of oral language skills (listening and speaking). Each such test to be administered to a student in grade 2 or above shall also include measures of reading and writing proficiency. Each student who scores below the 50th percentile on such a test (or, where test results are not expressed as percentile scores, below the proficiency level comparable to the 50th percentile) shall be considered as having limited English proficiency and shall be eligible for bilingual education services.

2) In cases where no nationally normed English proficiency measure can be administered, and for all students of non-English language background who score at or above the 50th percentile or the equivalent on the nationally normed test used, the school district shall also consider other indicators such as the results of criterion-referenced or locally developed tests, teachers' evaluations of performance, samples of a student's work, and/or information received from family members and school personnel in identifying

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limited English proficiency and determining eligibility for bilingual education services.

3) Students who, based on review of evidence such as that outlined in subsection (2) above, are judged to be unable to perform successfully in classes where instruction is given only in English or more than one year behind the average performance of students (of comparable age/grade) in the district in any subject as identified in Section 228.30(a)(1)(A) of this Part shall be considered as having limited English proficiency and shall be eligible for bilingual education services.

h) The parent or guardian of any child resident in a school district who has not been identified as having limited English proficiency may request the district to determine whether such child should be considered for placement in a bilingual education program, and the school district shall make such determination upon request, using the process described in this Section. A determination contested by a parent or legal guardian may be appealed to the Superintendent of the Educational Service Region in which the district is located, pursuant to the provisions of Section 3-10 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 3-10).

(Source: Added at 7 Ill. Reg. 104, effective Dec. 18, 1992.)

Section 228.20 Identification and Assessment Public School Bilingual Census

All school districts (hereinafter called district(s)) shall develop a procedure for the identification and assessment of limited English proficiency students for the purposes of completing the Public School Bilingual Census and determining the students' needs for program placement.

a) Public School Bilingual Census

i) ~~Standards~~ The district's identification and assessment procedure shall meet the following standards:

A) it shall specify the criteria to be used to identify students of non-English background within the district's population, and to identify

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~~those students whose language proficiency will be assessed;~~

~~B) it shall establish and apply specific cutoff points when standardized or norm-referenced tests are used for identification or assessment, and~~

~~C) the criteria for identification and assessment shall be applied uniformly to every non-English background student in the district's population.~~

2) ~~Initial Identification and Assessment-- The district shall first identify students of non-English background by completing a home language survey of all students to ascertain the language spoken by the student and the language spoken in the home. The district shall then conduct an individual student language assessment (as defined in Section 220.10 of this part) of those students who are of non-English background. The results of this assessment shall be used to identify the students of limited English proficiency by comparing their individual achievement in English to the average achievement in English of native English speakers of the same age or grade level in the district's population. A student's performance (i.e., above, at, or below average) in relation to the appropriate average shall constitute each district's minimum criteria for program exit or entry, respectively.~~

3) ~~Reporting-- NO LATER THAN THE FIRST DAY OF MARCH OF EACH YEAR, EVERY SCHOOL DISTRICT SHALL submit a Census Report for that school year to the State Board of Education. A district may use the number of students who have been identified in its report as having limited English proficiency as a preliminary count for the purposes of submitting a program application pursuant to Section 220.50 of this part. The report shall be submitted on forms provided by the State Board of Education and shall include:~~

A) ~~the number of students of non-English background in each attendance center;~~

B) ~~the number of those students who have been identified as having limited English proficiency, and~~

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~~C) for students of limited English proficiency, their home language, grade level, age or achievement level.~~

4) ~~Program Options~~

A) ~~WHEN AN ATTENDANCE CENTER HAS AN ENROLLMENT OF 20 OR MORE LIMITED-ENGLISH-PROFICIENT STUDENTS OF THE SAME LANGUAGE BACKGROUND, THE SCHOOL DISTRICT MUST ESTABLISH A TRANSITIONAL BILINGUAL PROGRAM for each language classification represented by such students. A further assessment of those students to determine their needs for bilingual instruction and for placement in either a full-time or part-time program shall be conducted.~~

B) ~~WHEN AN ATTENDANCE CENTER HAS AN ENROLLMENT OF 10 OR FEWER STUDENTS OF LIMITED-ENGLISH-PROFICIENCY and from any non-English language, the school district shall conduct an individual student assessment to determine each student's need for native language instruction and may provide a transitional bilingual program in the non-English language(s) common to such students or shall provide a locally determined transitional program of instruction for those students.~~

b) ~~Placement in Transitional Bilingual Education Programs and Transitional Programs of Instruction~~

1) ~~Transitional Bilingual Education Programs~~

~~Districts shall consider the following when determining an individual student's full-time or part-time educational program needs: language assessment in English and, if feasible, in the student's home language; academic history, age, cultural background, handicapping conditions, if any, and any other factors that would assist the district in designing an instructional program appropriate to the student's needs.~~

2) ~~Transitional Programs of Instruction~~

~~Districts shall consider the following when determining an individual student's full-time or part-time educational program needs: language assessment in English and, if feasible, in the student's home language; academic history, age, cultural background,~~

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~~handicapping conditions, if any, and any other factors that would assist the district in designing an instructional program appropriate to the student's needs.~~

e) ~~The parents or legal guardians of any child resident in a school district who shall not have been counted for the purposes of the census may request the district to determine whether such child should be considered for placement in a transitional bilingual education program or a transitional program of instruction, and the school district shall make such determination upon parental request. District determinations which are contested by the parents or legal guardians of such child can be appealed to the Superintendent of the Educational Service Region, pursuant to the provisions of Article 3-10, chapter 122, of The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 3-10).~~

e) ~~It shall be the duty of each school district conducting a census to use its best efforts in seeking out unenrolled children believed to be of limited English proficiency who are resident within such district but are not enrolled in a private school within the district.~~

~~ANNUAL EXAMINATION~~

1) ~~SCHOOL DISTRICTS MUST ASSESS THE ENGLISH LANGUAGE PROFICIENCY, INCLUDING AURAL COMPREHENSION, SPEAKING, READING, AND WRITING SKILLS, OF ALL STUDENTS ENROLLING IN PROGRAMS ON AN ANNUAL BASIS.~~

2) ~~Annual testing procedures and instruments shall be described in the district's program application; shall include specific program entry and exit criteria; and shall be subject to the approval of the State Board of Education. The State Board shall approve testing procedures and instruments that comply with the criteria set forth in subsections (a)(1) and (a)(2) of this section. School districts shall maintain records of individual test scores in accordance with the provisions of 23 Ill. Adm. Code 375 (Student Records).~~

a) ~~NO LATER THAN THE FIRST DAY OF MARCH OF EACH YEAR, EVERY SCHOOL DISTRICT SHALL submit a bilingual census report for that school year to the State Board of Education (Section 14C-3 of the School Code; Ill. Rev. Stat. 1991, ch. 122, par. 14C-3). The report shall be submitted on forms provided by the Board and shall include:~~

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1) ~~the number of students of non-English background in each attendance center, as identified via the home language survey;~~

2) ~~the number of those students who have been identified as having limited English proficiency; and~~

3) ~~the home languages, ages, and grade or achievement levels of the students identified as having limited English proficiency.~~

b) ~~A district may use the number of students who have been identified in its census report as having limited English proficiency and who are thus eligible for bilingual education services as a preliminary count for the purpose of submitting a program application pursuant to Section 228.50 of this Part.~~

(Source: Amended at 17 Ill. Reg. 104, effective Dec. 18, 1992.)

Section 228.25 Program Options, Placement, and Assessment

a) ~~WHEN AN ATTENDANCE CENTER HAS AN ENROLLMENT OF 20 OR MORE LIMITED ENGLISH PROFICIENT STUDENTS OF THE SAME LANGUAGE CLASSIFICATION, THE SCHOOL DISTRICT MUST ESTABLISH A TRANSITIONAL BILINGUAL PROGRAM for each language classification represented by such students (Section 14C-3 of the School Code). A further assessment of those students to determine their needs for bilingual instruction and for placement in either a full-time or a part-time program shall be conducted.~~

b) ~~WHEN AN ATTENDANCE CENTER HAS AN ENROLLMENT OF 19 OR FEWER STUDENTS OF LIMITED ENGLISH PROFICIENCY and from any non-English language, the school district shall conduct an individual student assessment to determine each student's need for native language instruction and may provide a transitional bilingual program in the non-English language(s) common to such students or shall provide a locally determined transitional program of instruction for those students. (Section 14C-3 of the School Code.)~~

c) ~~Districts shall consider the following factors when determining an individual student's full-time or part-time educational program needs: language assessment in English and, if available, in the student's home language; academic history and achievement levels; age; cultural background; handicapping conditions, if any; and any other factors that~~

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would assist the district in designing an instructional program appropriate to the student's needs.

d) ANNUAL EXAMINATION

1) SCHOOL DISTRICTS MUST ASSESS THE ENGLISH LANGUAGE PROFICIENCY, INCLUDING AURAL COMPREHENSION, SPEAKING, READING, AND WRITING SKILLS, OF ALL STUDENTS ENROLLED IN PROGRAMS ON AN ANNUAL BASIS (Section 14C-3 of the School Code).

A) Districts may comply with this requirement by administering the same nationally normed test(s) of English-language proficiency used to identify students eligible for bilingual education services.

B) Districts may also select instruments other than those used to identify eligible students. For each such other instrument used, the district shall provide evidence in its annual application (see Section 228.50 of this Part) that the score used as an exit criterion represents a level of English-language proficiency comparable to that represented by the 50th-percentile score or equivalent on the nationally normed test used in eligibility determinations.

2) Students who score at or above the 50th percentile (or, where test results are not expressed as percentile scores, the proficiency level comparable to the 50th percentile) on the nationally normed test of English language proficiency chosen for their respective ages or grade levels by the district and described in the district's program application shall be eligible to exit from the bilingual education program as provided in Section 228.30(a)(4) of this Part.

3) School districts shall maintain records of individual test scores in accordance with the provisions of 23 Ill. Adm. Code 375 (Student Records).

(Source: Added at 17 Ill. Reg. 104, effective Dec. 18, 1992.)

Section 228.30 Establishment of Programs

a) Transitional Bilingual Education Programs

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1) PROGRAM COMPONENTS OF A FULL-TIME PROGRAM - A FULL-TIME TRANSITIONAL BILINGUAL EDUCATION PROGRAM SHALL INCLUDE THE FOLLOWING COMPONENTS (Section 14C-2 of the School Code: Ill. Rev. Stat. 1991, ch. 122, par. 14C-2):

A) INSTRUCTION IN SUBJECTS WHICH ARE EITHER REQUIRED BY LAW (see 23 Ill. Adm. Code 1) OR BY THE STUDENT'S SCHOOL DISTRICT, TO BE GIVEN IN THE STUDENT'S HOME LANGUAGE AND IN ENGLISH; CORE SUBJECTS SUCH AS MATH, SCIENCE AND SOCIAL STUDIES MUST BE OFFERED IN THE STUDENT'S HOME LANGUAGE;

B) INSTRUCTION IN THE LANGUAGE ARTS IN THE STUDENT'S HOME LANGUAGE AND IN ENGLISH AS A SECOND LANGUAGE; AND

C) INSTRUCTION IN THE HISTORY AND CULTURE OF THE COUNTRY, TERRITORY, OR GEOGRAPHIC AREA WHICH IS THE NATIVE LAND OF THE STUDENTS OR OF THEIR PARENTS AND IN THE HISTORY AND CULTURE OF THE UNITED STATES.

2) Program Structure for Part-Time Programs - Students, including kindergarten students in either full-day or half-day programs, are eligible for placement in a part-time program pursuant to the provisions of Section 228-20(b)(1) Section 228.25(c) of this Part, or students previously placed in a full-time program may be placed in a part-time program under the following conditions:

A) an assessment of the student's English language skills has been performed in accordance with the provisions of Section 228-20(e) Section 228.15(f) of this Part;

B) the student's prior performance, if any, in coursework taught exclusively in English has been evaluated; and

C) a review of these areas shows a performance that is less than one academic year behind the average of students of the same grade level in the district, in all but one or two subject areas, in which so that instruction in ESL and subject area instruction in the home language may still be necessary.

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- 3) Program Components of a Part-Time Program - A part-time program will consist of those instructional programs and materials, supportive services (e.g., counseling, special instructional resources, or tutorial assistance), learning settings, and other educational services which modify, supplement, and support the standard educational program of the public school and which, based upon an assessment of the student's educational needs in accordance with the standards set forth in subsection (a)(2) of this Section, will provide daily instruction in the home language and in English.

4) DURATION OF PROGRAM PARTICIPATION

- A) ~~A student of limited English proficiency shall remain in the program for a period of three years or until said student achieves a score on the annual examination that meets the exit criteria established by the district and approved by the State Board of Education as provided in Section 228-20 of this Part, whichever shall first occur.~~

NO SCHOOL DISTRICT SHALL WITHDRAW A STUDENT PRIOR TO THE COMPLETION OF THREE YEARS OF PROGRAM ENROLLMENT WITHOUT WRITTEN APPROVAL FROM THE STUDENT'S PARENTS OR LEGAL GUARDIANS, AND UNLESS THE STUDENT HAS RECEIVED A SCORE ON THE ANNUAL EXAMINATION WHICH MEETS OR EXCEEDS THE PROGRAM exit criteria established pursuant to Section 228.25(d)(2) of this Part.

- B) ~~HOWEVER, A STUDENT MAY REMAIN IN THE TRANSITIONAL BILINGUAL EDUCATION PROGRAM LONGER THAN THREE YEARS AT THE DISCRETION OF THE SCHOOL DISTRICT AND SUBJECT TO THE APPROVAL OF THE STUDENT'S PARENTS.~~

- C) ~~IF A SCHOOL DISTRICT SHALL WITHDRAW A STUDENT PRIOR TO THE COMPLETION OF THREE YEARS OF PROGRAM ENROLLMENT WITHOUT WRITTEN APPROVAL FROM THE STUDENT'S PARENTS OR LEGAL GUARDIANS, AND UNLESS THE STUDENT HAS RECEIVED A SCORE ON THE ANNUAL EXAMINATION WHICH MEETS OR EXCEEDS THE PROGRAM exit criteria established by the district.~~

- D) ~~IF A STUDENT, HAVING BEEN TRANSFERRED FROM A PROGRAM PRIOR TO THREE YEARS, DEMONSTRATES, IN THE JUDGEMENT OF THE SCHOOL DISTRICT, AN~~

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~~INADEQUATE COMMAND OF ENGLISH, SAID STUDENT MAY BE RE-ENROLLED IN THE PROGRAM FOR THE BALANCE OF THE THREE YEARS, subject to the approval of the student's parents. (Section 14C-3 of the School Code.)~~

- 5) ~~Inclusion of Students Whose First or Home Language is English - Students whose first or home language is English may be included in a program of transitional bilingual education provided that all students of limited English proficiency are served. No reimbursement of costs shall be allowed for educating students whose first or home language is English.~~

- 6) ~~Language Grouping - School districts may place in the same class in any program of transitional bilingual education students of limited English proficiency of different home languages, provided that, in classes other than ESL:~~

- A) ~~instructional personnel or assistants representing each of the languages in the class are used; and~~
- B) ~~the instructional materials are appropriate (e.g., grade level and subject matter) for the languages of instruction.~~

7) Personnel

- A) ~~Any person designated to administer the program by the district superintendent must hold a registered supervisory or administrative certificate or endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).~~
- B) ~~Standards for Teachers in Bilingual Education Programs - Bilingual teachers and teachers of English as a Second Language who provide instruction in transitional bilingual education programs shall meet applicable requirements of 23 Ill. Adm. Code 1.780 through 1.782 (Public Schools Evaluation, Recognition and Supervision).~~
- C) ~~Noncertificated Personnel - School districts may employ noncertificated personnel to~~

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assist certified personnel teaching in transitional bilingual education programs approved pursuant to this Part. Noncertificated personnel may include instructional aides, who must possess a Statement of Approval issued by the State Board of Education pursuant to 23 Ill. Adm. Code 1.630 (Public Schools Evaluation, Recognition and Supervision). Other personnel who may be employed include translators, tutors, interpreters and such additional personnel as are determined to be needed by the school district to assist a student's early and effective transition to the regular school program.

D) All noncertificated personnel must possess proficiency in at least one of the home language(s) of the students being served and in English, as evidenced by compliance with the requirements of 23 Ill. Adm. Code 25-90 (Certification), or by passing an examination administered by the school district that meets the language proficiency standards set forth in 23 Ill. Adm. Code 25-90.

~~E)~~ Other Professional Staff - Districts providing programs may employ other professional staff to provide services to limited English proficient students. These professionals must hold certificates appropriate to their roles.

8) PARENT AND COMMUNITY PARTICIPATION - EACH DISTRICT OR COOPERATIVE SHALL ESTABLISH A PARENT ADVISORY COMMITTEE CONSISTING OF PARENTS, LEGAL GUARDIANS, TRANSITIONAL BILINGUAL EDUCATION TEACHERS, COUNSELORS, AND COMMUNITY LEADERS. THIS COMMITTEE SHALL PARTICIPATE IN THE PLANNING, OPERATION, AND EVALUATION OF PROGRAMS. THE MAJORITY OF COMMITTEE MEMBERS SHALL BE PARENTS OR LEGAL GUARDIANS OF STUDENTS ENROLLED IN THESE PROGRAMS. MEMBERSHIP ON THIS COMMITTEE SHALL BE REPRESENTATIVE OF THE LANGUAGES SERVED IN PROGRAMS TO THE EXTENT POSSIBLE. (Section 14C-10 of the School Code: Ill. Rev. Stat. 1991, ch. 122, par. 14C-10.) The committee shall:

- A) meet at least ~~two~~ four times per year;
- B) maintain on file with the school district minutes of these meetings; and

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- C) review the district's annual program application to the State Board of Education.

- b) Transitional Program of Instruction

- 1) Program Structure - The level of a student's proficiency in English, as determined by an individual student language assessment, will determine the structure of the student's instructional program.
- 2) Program Components - A transitional program of instruction must include instruction or other assistance in the student's home language to the extent necessary, as determined by the district on the basis of the student assessment required in ~~Section 228-20(b)(2)~~ Section 228.15(f) of this Part, to enable the student to keep pace with his/her age or grade peers. A transitional program of instruction may include, but is not limited to, the following components: instruction in ESL, language arts in the students' home language, and instruction in the history and culture of the country, territory, or geographic area which is the native land of the students or of their parents and in the history and culture of the United States.

- 3) Duration of Student Program Participation - A student of limited English proficiency shall remain in the program until an individual student language assessment determines that the student has achieved a level of English proficiency which meets or exceeds the district's exit criteria as provided in ~~Section 228-20(e)(2)~~ Section 228.25(d) of this Part.

- 4) Personnel

- A) Any person designated by the district superintendent to administer the program must hold a registered supervisory or administrative certificate or endorsement issued by the State Board of Education pursuant to 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).
- B) Standards for Teachers in Transitional Programs of Instruction - Bilingual teachers and teachers of English as a Second Language who provide instruction in transitional programs of

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instruction shall meet applicable requirements of 23 Ill. Adm. Code 1.780 through 1.782 (Public Schools Evaluation, Recognition and Supervision).

- C) Noncertificated and Other Personnel - School districts may employ noncertificated personnel to assist certified personnel teaching in a transitional program of instruction. Such personnel may include instructional aides who possess a Statement of Approval issued by the State Board of Education pursuant to 23 Ill. Adm. Code 1.630. Other personnel who may be employed include translators, tutors, interpreters and such additional personnel as are determined to be needed by the school district to assist a student's early and effective transition to the regular school program.

- D) Other Professional Personnel - Districts providing a program may employ other professional staff to provide services to limited English proficient students. These professionals must hold certificates appropriate to their roles pursuant to 23 Ill. Adm. Code 25 (Certification).

(Source: Amended at 17 Ill. Reg. 10A, effective Dec. 18, 1992.)

Section 228.50 Program Plan Approval and Reimbursement Procedures

- a) Reimbursement for programs provided by school districts pursuant to the provisions of Article 14C of ~~the~~ the School Code and this Part is contingent upon the submission and approval of a program plan and request for reimbursement in accordance with the requirements of Section 14C-12 of ~~the~~ the School Code and this Section.

- b) Program Plan Submission and Approval

- 1) Applications for program approval shall be submitted, on forms provided by the State Board of Education, at least sixty (60) calendar days prior to the start of the proposed initial or continuing program.

- 2) The State Superintendent of Education will waive the requirement in subsection (b)(1) of this Section only when an application is accompanied by a statement of facts showing that the waiver will enable the district to begin serving a student or students sooner than would otherwise be the case.

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- 3) School districts shall be granted at least sixty (60) calendar days to complete and submit applications to the State Board of Education. A district's failure to submit a completed application by the date specified on the form will delay its receipt of reimbursement pursuant to subsection (c) of this Section.

- 4) Applications for a Transitional Bilingual Education Program and/or a Transitional Program of Instruction must contain at least the following information:

- A) The number of students to be served by grade or grade equivalent and language group in a full-time or part-time program.
- B) A summary description of the number and types of personnel who will provide services in the program.
- C) A description of the full-time and/or part-time program to be provided to the students identified pursuant to subsection (b)(4)(A) of this Section in relation to the applicable program standards set forth in Section 228.30 of this Part.
- D) A copy of the district's procedures for identifying students of limited English proficiency, which must be in compliance with the standards set forth in ~~Section 228.20~~ Section 228.15 of this Part.

- E) Descriptions of the district's procedures and testing instruments for the annual examinations required under Section 228.25(d) of this Part, including evidence, where applicable, that the cutoff scores used as exit criteria represent levels of English-language proficiency comparable to those represented by scores at the 50th percentile (or equivalent) on the nationally normed tests used by the district to identify eligible students.

- F) A budget summary containing a projection of the program expenditures (e.g., instruction, support services, administration and transportation) and offsetting revenues for the upcoming fiscal year, and a detailed budget breakdown including allowable program expenditures for which

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reimbursement is sought, other program expenditures, and total program costs.

- 6) The signature of the president of the district's Bilingual Parent Advisory Committee established pursuant to Section 14C-10 of ~~the~~ the School Code and Section 228.30(a)(8) of this Part, which shall be evidence that said Committee has had an opportunity to review the application.

- 5) Applications which, upon review by the State Board of Education staff, are found to contain the information required pursuant to this Section shall be recommended for approval by the State Superintendent of Education. If the application is found to be incomplete, State Board staff will send a written notice to applicants requesting that they supply the needed information. Such applicants must supply the requested information within fifteen (15) calendar days of their receipt of said notice.

- 6) The State Superintendent of Education will approve applications that demonstrate compliance with Article 14C of ~~the~~ the School Code and this Part, except that the State Superintendent shall invoke subsection (b)(5) of this Section with respect to any requested information that is missing from any application submitted for approval.

c) Account of Expenditures and Reimbursement Procedures

- 1) An account of each district's expenditures pursuant to Article 14C of ~~the~~ the School Code and this Part shall be maintained as required in Section 14C-12 of ~~the~~ the School Code. Accounting procedures shall be in accordance with applicable requirements of 23 Ill. Adm. Code 110 (Program Accounting Manual).
- 2) The final annual report of district expenditures, which shall include the information specified in Section 14C-12 of ~~the~~ the School Code, shall be submitted on forms provided by the State Board of Education no later than August 10 of each year.
- 3) School districts shall submit claims for reimbursement of programs approved in accordance with this Part on forms provided by the State Board of Education and in accordance with the timelines and procedures specified in Section 14C-12 of ~~the~~ the School Code.

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- 4) In the event that funds appropriated by the General Assembly are insufficient to cover the districts' excess costs, the funds will be distributed on a pro rata basis and in accordance with the timelines specified in Section 14C-12 of ~~the~~ the School Code.
- 5) A request to amend a district's approved budget shall be submitted on forms provided by the State Board of Education whenever a district determines that there is a need to ~~change~~ increase or decrease an approved line item expenditure by more than \$500 or 10%, whichever is ~~smaller~~ larger.
- 6) Budget amendment requests will be approved if the rationale required to be provided for each amendment includes facts demonstrating that:
 - A) there is a need (e.g., a change in the number of students served or personnel needed); and
 - B) the altered expenditures and their related program services will be in compliance with the requirements of Article 14C of ~~the~~ the School Code and this Part.

(Source: Amended at 17 Ill. Reg. 104, effective Dec. 18, 1993)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Uniform Disposition of Unclaimed Property Act2) Code Citation: 38 Ill. Adm. Code 1803) Section Number: Adopted Action:

180.10 Amendment
 180.22 New Section
 180.24 New Section
 180.30 Amendment
 180.32 New Section
 180.92 New Section
 180.94 New Section
 180.100 Amendment

4) Statutory Authority: Implementing and authorized by the Uniform Disposition of Unclaimed Property Act (Ill. Rev. Stat. 1991, ch. 141, pars. 101 et seq.).5) Effective Date of Rules: December 21, 19926) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporations by reference? No8) Date Filed in Agency's Principal Office: December 21, 19929) Notices of Proposal Published in Illinois Register:

September 18, 1992, 16 Ill. Reg. 14006

10) Has JCAR issued a Statement of Objections to these rules? No11) Differences between proposal and final version: The only changes made were in response to comments made by the Administrative Code Division and the Joint Committee on Administrative Rules. Changes were not substantive and were limited to typographical, grammatical and stylistic changes.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rule replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Rules:

Section 180.10 is amended to provide definitions for Act, Commodities and Security.

Section 180.22 is added and provides that holder of unclaimed property can submit reports on paper forms, computer disk, magnetic tape or compact disk.

Section 180.24 is added and provides that incomplete or inaccurate reports or remittances by holders of unclaimed property must be corrected and resubmitted to the Department and failure to do so will be a basis for examination of the holder.

Section 180.30 is amended and corrects to dormancy period from 7 to 5 years in accordance with the latest amendment to the Act and updates statutory citation in subsection (b).

Section 180.92 is added and provides that remittance of securities and commodities shall be made to the Director, Department of Financial Institutions or deposited into existing security or commodity accounts.

Section 180.94 is added and provides that commodities and securities remitted to the Department shall, except under specific conditions, be sold prior to 90 days after publication of the owner's name and address and shall be sold prior to expiration of one year.

16) Information and questions regarding the Adopted Rules shall be directed to:

Henry Sintzenich, Deputy Counsel
 Department of Financial Institutions
 500 Iles Park Place, Suite 314
 Springfield, IL 62718-1094
 217/782-3704

The text of the Adopted Amendment begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 180

UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

Section

180.10	Definitions
180.20	Negative Reports
180.22	Format/Form of Reports
180.24	Incomplete/Inaccurate Report or Remittance
180.30	Safe Deposit Boxes
180.40	Cost of Mailing
180.50	Nominee and Street Name Property
180.60	Lawful Charges
180.70	Discontinuance of Interest or Dividends
180.80	Statute of Limitations
180.90	Examination of Property Holders
180.92	Remittance of Securities and Commodities
180.94	Receipt and Sale of Securities and Commodities
180.100	Claims
180.110	Hearings on Claims

AUTHORITY: Implementing and authorized by the Uniform Disposition of Unclaimed Property Act (Ill. Rev. Stat. 1991, ch. 141, pars. 101 et seq.).

SOURCE: Filed November 20, 1977; emergency amendment at 3 Ill. Reg. 39, p. 225, effective September 14, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 48, p. 153, effective November 20, 1979; rules repealed, new rules adopted and codified at 8 Ill. Reg. 1464, effective January 18, 1984; amended at 15 Ill. Reg. 8555, effective May 24, 1991; amended at 17 Ill. Reg. 123, effective December 21, 1992.

Section 180.10 Definitions

"Act" means the Uniform Disposition of Unclaimed Property Act (Ill. Rev. Stat. 1991, ch. 141 par 101 et seq.).

"Active Express Trust" - excludes any trust: the purpose for which it was created no longer exists and no court having jurisdiction shall have entered an order in connection therewith; or of which no beneficiary can be located to whom income or increment from such trust is payable or distributable. Intangible personal property held for the benefit of a person, firm or entity not designated as beneficiary pursuant to the terms of said trust shall not be deemed to be held in a fiduciary capacity by said trustee.

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"Activity" - occurs when the owner takes any action described in Section 2 of the Act which prevents a presumption of abandonment. Activity in any account on a consolidated statement shall constitute activity for any other account on that statement. Non return of mail shall constitute activity only if the holder sends a notice to the owner, return receipt requested, and has on file the signed return receipt.

"A Matured Time Deposit" - is any time deposit, certificate of deposit, money market certificate or like instrument on which the initial term has expired, notwithstanding any automatic extension or renewal.

"Commodities" - means a basic item or staple product underlying commodity future contracts, or traded as physical units of delivery for immediate delivery in the cash or spot market.

"Property" - means any property, tangible or intangible, reportable to the Director of the Department pursuant to the Act. Property which would be reportable prior to deduction of service charges is deemed reportable under this definition.

"Safe Deposit Box" - includes any safe, vault, safekeeping repository, agency, or collateral deposit box.

"Security" - means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, investment fund share, face-amount certificate, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas or other mineral lease, right or royalty, any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"Service Charges" - constitute any charge deducted by a holder from property subject to the Act, which is imposed solely by virtue of the inactivity of that property; this includes service charges, handling charges, and administrative costs.

(Source: Amended at 17 Ill. Reg. 123, effective December 21, 1992)

Section 180.22 Format/Form of Reports

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Commencing January 1, 1993 a holder must file the report required under Section 180.24 of the Act on a:

- paper form provided by or approved by the Department;
- computer disk formatted according to the Department's instructions;
- magnetic tape formatted according to the Department's instructions; or
- compact disk formatted according to the Department's instructions.

(Source: Added at 17 Ill. Reg. 123, effective December 21, 1992.)

Section 180.24 Incomplete/Inaccurate Report or Remittance

a) Any report or remittance submitted to the Department which is:

- incomplete (i.e., reports which do not include vital and pertinent information, appropriate detail, correct format or remittances made out to an improper payee, or account, or security designee); or
- inaccurate (i.e., reports that are out of balance and remittances that are less than the property reported or do not include remittable interest, dividends, stock splits or underlying securities)

shall be returned to the holder for correction.

b) The holder shall submit a corrected report or remittance to the Department within 20 calendar days after the Department's return of the original report or remittance to the holder.

c) Failure of the holder to submit a corrected, accurate and complete report or remittance within the time set forth in subsection (b) above shall be sufficient reason to believe and grounds for examination of the holder under section 123 of the Act.

(Source: Added at 17 Ill. Reg. 123, effective December 21, 1992.)

Section 180.30 Safe Deposit Boxes

a) Pursuant to Section 2(d) of the Act, safe deposit boxes which have been unclaimed for 5 7 years or more shall be opened. Unless opened by the owner, such boxes shall be opened and inventoried in the presence of at least two employees of the holder who shall verify the accuracy of said inventory. The property shall then be sealed for safekeeping until delivered to the owner or the Department.

b) The property shall be offered by the Department for public sale pursuant to Section 17 of the Act or by the holder pursuant to the Sale of Unclaimed Property Act "An-Act-to-provide-for-the-sale-of personal-property-by-common-carriers,--warehousemen--and--inkeepers and--by--others--having--it--thereon" (Ill. Rev. Stat. §901 1991, ch. 141, pars. 1 et seq.). In the case of sale by holder, the proceeds shall be delivered to the Department.

c) The holder may be reimbursed or may deduct actual mailing, drilling

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and opening costs as prescribed by Section 2(d) of the Act. No other charges may be deducted unless otherwise authorized by law or expressly provided for by lawful contract with the owner.

(Source: Amended at 17 Ill. Reg. 123, effective December 21, 1992.)

Section 180.92 Remittance of Securities and Commodities

a) Unless otherwise provided, all securities and commodities when remitted to the Director shall:

- be registered as "Director, Department of Financial Institutions"; or
 - be deposited into a new or existing securities or commodities account in the name of "Director, Department of Financial Institutions"; and
 - include all dividends, interest, warrants, or other rights, or associated cash in a check payable to "Director, Department of Financial Institutions".
- b) The Director may, when remittance cannot be made as provided in subsection (a) above, provide written instructions to the holder for remittance of the particular security or commodity.

(Source: Added at 17 Ill. Reg. 123, effective December 21, 1992.)

Section 180.94 Receipt and Sale of Securities and Commodities

a) Securities and commodities received by the Director as unclaimed property shall be sold as soon as practical and not later than one year from the date of receipt subject to the following:

- Securities and commodities shall not be sold prior to ninety (90) calendar days subsequent to the date of the first publication of the owner's name(s) and address(es), pursuant to Section 12 of the Act; unless the Director or the Director's authorized representative determines it would be in the best interests of the owner (such as: responding to a tender-offer, bankruptcy filing, liquidation, adverse or favorable market conditions) for the sale to occur prior to the expiration of the ninety (90) calendar day period.

2) Securities and commodities eligible for sale will not be sold when a claim has been filed with the Department by a potential owner, heir or agent. However, upon approval of a claim, the owner, heir or agent may request the Director to dispose of the securities or commodities by sale and remit the net proceeds to the owner, heir or agent, or upon disapproval of the claim, the Director shall by sale dispose of the securities or commodities.

b) Securities and commodities which become reportable abandoned property under the Act, when remitted to the Director, must include all

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interest, dividend(s), stock split(s), if any, warrants, or other rights even though said interest, dividend(s), stock split(s), warrants, or other rights standing alone would not be reportable abandoned property.

- c) Interest, dividend(s), stock split(s), warrants, or other rights which become reportable abandoned property under the Act, must, when remitted to the Director, include the underlying security or commodity giving rise to the interest, dividend(s), or split(s), warrants, or other rights.

(Source: Added at 17 Ill. Reg. 123, effective December 21, 1992)

Section 180.100 Claims

a) Filing of Claims.

- 1) Claims shall be prepared and filed only on forms provided by the Department, which shall provide, upon request, the following:

- A) Owner Claim Form;
B) Owner, Indemnification Form;
BC) Holder Claim Form;
D) Corporate Claim Form;
EE) Heir/Other Claim Form; or
BF) Small Estate Affidavit.

- 2) The claimant shall assert on the appropriate form that he or she is the true owner of the undivided property and agrees to indemnify and hold harmless the Department, its officers and employees, and the State of Illinois in the event of a successful claim to such property by another claimant.

- 3) The signature of the claimant or claimants shall be notarized by a notary public or be guaranteed by an officer of a bank or financial institution with which the claimant(s) currently does business. If the subject property is valued at more than \$500.00 but less than \$5,000.00, the signature(s) of the claimant(s) shall be notarized by a notary public or be guaranteed by an officer of a bank or financial institution with which the claimant(s) currently does business.

- 4) If the subject property is valued at \$5,000.00 or more, the signature(s) of the claimant(s) shall be guaranteed by an officer of a bank or other financial institution with which the claimant(s) currently does business.

- 5) If the claimant(s) is the owner and the value of the property does not exceed \$500.00, a fully completed owner claim form and owner indemnification form, submitted to the Department, will be

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accepted as "proof of claim", unless the Department has facts within its knowledge which would rebut the claim.

- 6) If the subject property is a two-party check the claimant must, in addition to submitting a fully completed claim form:

- A) submit the original check or
B) submit verification in the form of an affidavit from the issuing agent of the check that the claimant(s) is the true owner of the check and the issuing agent would pay the value of the check to the claimant(s) if the issuing agent had not remitted the funds to the Director or
C) post a surety bond, issued by an insurance company with an A+ or A rating by A.M. Best and Company, in the amount of the check.

b) Assignment of Interest.

The Director shall consider the claim of a designee or attorney-in-fact of any claimant provided that:

- 1) a properly executed and notarized release of interest or power of attorney is submitted with the claim form; and
2) the person filing the claim has submitted an affidavit stating that the claimant is the true owner of the property; and
3) claim proceeds shall only be delivered to the rightful owner; and
4) compensation shall not exceed 10% of the claim amount collected; except as provided by Section 20(c) of the Act.

(Source: Amended at 17 Ill. Reg. 123, effective December 21, 1992)

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1) Heading of the Part: Hospital Services2) Code Citation: 89 Ill. Adm. Code 148

3) Section Number: Adopted Action:
 148.80 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, Ch. 23, Par. 12-13)5) Effective Date of Amendments: December 21, 19926) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: December 21, 19929) Notice of Proposal Published in Illinois Register:

July 10, 1992 (16 Ill. Reg. 10868)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No changes have been made in the text of the proposed amendments. Several technical changes have been made in the main source note upon the request of the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No. However, these amendments will replace Emergency Amendments which went into effect on June 25, 1992, and expired on November 27, 1992.

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.25	New Section	September 25, 1992 (16 Ill. Reg. 14540)
148.30	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.40	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.50	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.60	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.70	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.82	New Section	August 21, 1992 (16 Ill. Reg. 12826)

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Sections	Proposed Action	Illinois Register Citation
148.120	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.130	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.140	Amendment	January 31, 1992 (16 Ill. Reg. 1786)
148.140	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.150	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.160	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.170	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.180	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.190	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.200	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.210	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.220	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.230	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.240	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.250	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.260	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.270	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.280	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.290	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.310	Amendment	September 25, 1992 (16 Ill. Reg. 14540)
148.320	Amendment	September 25, 1992 (16 Ill. Reg. 14540)

15) Summary and Purpose of Amendments: Amendments are being proposed to Section 148.80, regarding pancreas transplant services. Currently, the Department covers organ transplant services for bone marrow, heart and liver transplantation.

Criteria have been developed which must be met by a hospital in order to be certified as a transplant center providing pancreas transplant services. These criteria were developed in response to the need of a public assistance recipient for a pancreas transplant, and with the assistance of the State Medical Advisory Committee. The Department will cover the costs of pancreas transplants in a hospital which meets the Department's requirements for certification, annual certification renewal, and the annual survival rates proposed in these amendments.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
EMERGENCY	
148.30	General Requirements
EMERGENCY	
148.40	Special Requirements
EMERGENCY	
148.50	Covered Hospital Services
EMERGENCY	
148.60	Services Not Covered as Hospital Services
EMERGENCY	
148.70	Limitation On Hospital Services
EMERGENCY	
148.80	Organ Transplants Services Covered Under Medicaid
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
EMERGENCY	
148.130	Outlier Adjustments for Exceptionally Costly Stays
EMERGENCY	
148.140	Hospital Outpatient and Clinic Services
EMERGENCY	
148.150	Uncompensated Care Payment Adjustment for Nondisproportionate Share Hospitals
EMERGENCY	
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over 3 Million
EMERGENCY	
148.170	Payment Methodology for State-Owned Hospitals in an Illinois County with a Population of Over 3 Million
EMERGENCY	
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
EMERGENCY	
148.190	Copayments
EMERGENCY	
148.200	Alternate Reimbursement Systems
EMERGENCY	
148.210	Filing Cost Reports
EMERGENCY	
148.220	Pre September 1, 1991, Admissions
EMERGENCY	

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148.230	Admissions Occurring on or after September 1, 1991
EMERGENCY	
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
EMERGENCY	
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
EMERGENCY	
148.260	Calculation and Definitions of Inpatient Per Diem Rates
EMERGENCY	
148.270	Determination of Alternate Costs Per Diem Rates For All Hospitals and Payment Rates for Certain Exempt Hospital Units
EMERGENCY	
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
EMERGENCY	
148.290	Adjustments and Reductions to Total Payments
EMERGENCY	
148.300	Payment
148.310	Review Procedure
EMERGENCY	
148.320	Alternatives
EMERGENCY	
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.373	Utilization (Repealed)
148.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390	Hearings
148.400	Special Hospital Reporting Requirements
AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)	
SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days;	

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emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 13111, effective December 21, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 148.80 Organ Transplants Services Covered Under Medicaid

a) Introduction

The Department of Public Aid will cover organ transplants as identified under subsection (b) which are provided by certified organ transplant centers which meet the requirements specified in subsections (c) through (h).

b) Covered Services

- 1) Bone Marrow, heart, ~~es-liver, or pancreas~~/pancreas-kidney transplantation excluding bone marrow searches.
 - 2) Other types of transplant procedures may be covered when a hospital has been certified by the Department as a transplant center eligible to perform such transplants. Centers must complete the certification process established in Section 148.80(c) and provide the necessary documentation of the number of transplant procedures performed and the survival rates.
 - 3) Medically necessary work-up and evaluation up to three (3) days prior to transplantation.
- c) Certification Process
- 1) In order to be certified to receive reimbursement for transplants performed on Medicaid patients, the hospital must:
 - A) Request an application from the Bureau of Hospital Services;

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Section 148.80(c)(1) (continued)

- B) Submit a completed application to the Department for the type of transplant for which the center is seeking certification;
 - C) Meet certification criteria established in subsection (d), based upon review and recommendation of each application by the State Medical Advisory Committee (SMAC); and
 - D) Submit a detailed status report on each patient for the type of transplant for which the hospital is seeking certification. Such reports must include the date of transplant, the length of hospitalization, charges, survival rates, patient-specific transplant outcome, and complications (including cause of death, if applicable) for all transplants performed for the two years preceding the date of the application. To protect the privacy of patients included in this report, names of Medicaid and non-Medicaid patients are not required.
- 2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medicaid eligible patients.
- d) Certification Criteria
- 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
 - A) The hospital is located in the State of Illinois or the city of St. Louis, Missouri;
 - B) The hospital is a tertiary care hospital capable of providing all necessary medical care required by the transplant patient;
 - C) The hospital is affiliated with an academic health center;
 - D) The hospital has had the transplant program in operation for at least three years with twelve transplant procedures per year for the past two years and twelve cases before that for adult heart and liver transplants and for adult and pediatric bone marrow transplants;
 - E) A hospital specializing in pediatric heart and/or liver transplants must have a program in operation for at least

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Section 148.80(d)(1)(E) (continued)

three years and must have performed a minimum of six transplant procedures per year for the past two years, and six before that;

F) The hospital has had the transplant program in operation for at least three years with 25 transplant procedures per year for the past two years and 25 cases before that for kidney transplants, and five transplant procedures per year for the past two years and five before that for pancreas transplants, or twelve transplant procedures per year for the past two years and twelve before that for kidney/pancreas transplants.

F)G) The hospital has experts, on staff, in the fields of cardiology, anesthesiology, immunology, infectious disease, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;

G)H) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac catheterizations, coronary arteriograms and open heart procedures per year for heart transplant candidates;

H)I) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation;

I)J) The hospital complies with applicable State and Federal laws and regulations;

J)K) The hospital participates in a recognized national donor procurement program, abides by its rules, and provides the Department with the name of the national organization of which it is a member;

K)L) The hospital has an interdisciplinary body to determine the suitability of candidates for transplantation;

L)M) The hospital has blood bank support necessary to meet the demands of a certified transplant center; and

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Section 148.80(d)(1) (continued)

M)N) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:

i) A one-year survival rate of 50 percent for bone marrow transplant patients;

ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;

iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients.

iv) A one-year survival rate of 90 percent for kidney transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant.

2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the professional staff for the transplant program and its patients. The hospital must demonstrate that:

A) Component teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;

B) The hospital safeguards the rights and privacy of patients;

C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.

3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.

4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.

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Section 148.80 (continued)

e) Recertification Process/Criteria

- 1) The Department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) for review by the Department's State Medical Advisory Committee for recertification as a transplant center.
- 2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.
- 3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.

f) Notification of Transplant

- 1) The hospital must notify the Department prior to performance of the transplant procedure. The notification letter must be from a physician on the transplant team.
- 2) The notification must include the admission diagnosis, pre-transplant diagnosis and the initial work-up summary of medical findings.
- 3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate "patient tracking" forms to the hospital.

g) Reimbursement

- 1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.240 through 148.330 and Part 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplants covered within Section 148.80 is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is limited to a maximum of 60 percent of the hospital's usual and customary charges to the general public for the same procedure for the number of days listed below for specific types of transplants:
 - A) Three days of pre-operative inpatient work-up; and

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Section 148.80(g)(1) (continued)

- B) A maximum 30 consecutive days of post-operative inpatient care for heart, pancreas, or kidney/pancreas transplant; or
- C) 40 consecutive days of inpatient care for liver transplant; or
- D) 50 consecutive days of inpatient care for bone marrow transplant; or
- E) For those transplants covered under subsection (b)(2), the number of consecutive days of inpatient care specified within the transplant certification process.
- 2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim.
- 3) Applicable disproportionate share payment adjustments shall be made in accordance with 89 Ill. Adm. Code 148.120(g). Applicable outlier adjustments shall be made in accordance with 89 Ill. Adm. Code 148.130(d).
- 4) The rate will not include transportation and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 89 Ill. Adm. Code 140.490 through 140.492, respectively.

h) Reporting Requirements of Certified Transplant Center

The following documentation must be submitted within the time limits set forth in this subsection.

1) Patient Tracking

- A) The center must submit annually a statistical summary including information for all patients having received transplants at the transplant center. Patients not covered by Medicaid may be identified numerically or by other means identified by the hospital, to protect patient confidentiality. The summary must include, but is not limited to, short and long term outcome on all patients.
- B) The discharge summary for each Medicaid patient must be received by the Department within thirty days of the patient's discharge.

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Section 148.80(h)(1) (continued)

- C) The annual outcome summaries for each Medicaid patient must be received by the Department within thirty days of the annual patient post-transplant evaluation.
- D) For those Medicaid patients who expire, a summary must be received by the Department within thirty days of the patient's death.
- 2) Notification of Changes
- The center must notify the Department within thirty days of any changes in its program including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Amended at 17 Ill. Reg. 131, effective December 21, 1992)

- 1) Heading of the Part: Americans With Disabilities Act
Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1075
- 3) Section Numbers: Adopted Action:
1075.10 New Section
1075.20 New Section
1075.30 New Section
1075.40 New Section
1075.50 New Section
1075.60 New Section
1075.70 New Section
- 4) Statutory Authority: Implementing and authorized by the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq.
- 5) Effective Date of Rules: December 18, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 16, 1992
- 9) Notice of Proposal Published in Illinois Register: September 18, 1992, 16 Ill. Reg. 14182.
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:

1. In the Authority section the comma following "1990" was deleted, and "42 UCS 12101 et seq." was enclosed in parentheses.
2. In Section 1075.10(a) "(ADA)" was moved from a position preceding "(42 USC 12101 et seq.)" to a position following it. The commas surrounding "28 CFR Part 35" were replaced by parentheses, and "Part 35" was replaced with "35.107".
3. In Section 1075.20 all definitions were indented an additional 5 spaces. In the second paragraph a comma was inserted following "ADA", and the period following

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16) Information and questions regarding these adopted amendments shall be directed to:

Nancy B. Shannon
Acting Public Counsel
100 W. Randolph, Suite 11-300
Chicago, IL 60601
(312) 814-3903

The full text of the Adopted Rule begins on the next page:

"35.107" was deleted. In the third paragraph of Section 1075.20 the word "the" was deleted from the phrase "requirements for the participation".

4. In Section 1075.30(a) the word "must" was replaced with the word "shall", the word "as" following the word "manner" was deleted, and a comma and the word "and" were inserted after the word "described".

5. In Section 1075.30(b) a comma was inserted following the word "procedure".

6. In Section 1075.40(a) the words "one-hundred-eighty" and the parentheses surrounding "180" were deleted.

7. In Section 1075.50(a) the letter "d" in the final use of "designated" was capitalized.

8. In Section 1075.50(d) the reference to "Section 1075.50 (b) above" was replaced with "subsection (b) above".

9. In Section 1075.50(f) the reference to "par. 43.4" was replaced with "par. 43.3".

10. In Section 1075.70 the words "include but are" were replaced with the words "includes but is". The phrase "and, whether or not" was replaced with "and whether". The letter "l" in the word "level" was capitalized.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rule: This rule will provide an internal procedure to afford grievants an opportunity for redress prior to filing an external complaint on lack of access to programs and employment by persons with disabilities.

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TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XL: OFFICE OF PUBLIC COUNSEL

PART 1075

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1075.10	Purpose
1075.20	Definitions
1075.30	Procedure
1075.40	Designated Coordinator Level
1075.50	Final Level
1075.60	Accessibility
1075.70	Case-By-Case Resolution

AUTHORITY: Implementing and authorized by the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

SOURCE: Adopted at 17 Ill. Reg. 142, effective December 18, 1992.

Section 1075.10 Purpose

- a) This Grievance Procedure (Procedure) is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA), and specifically Section 35.107 of the Title II regulations (28 CFR 35.107) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. If an individual desires to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Office of Public Counsel, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Office of Public Counsel to foster open communication with all individuals requesting readily accessible programs, services and activities. The Public Counsel encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 1075.20 Definitions

"Complainant" is an individual with a disability who files a Grievance Form provided by the Office of Public Counsel under this procedure.

"Designated Coordinator" is the person appointed by the Public Counsel who is responsible for the coordination of efforts of the Office of Public Counsel to comply with and carry out its responsibilities under

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Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator can be contacted at 100 W. Randolph, Suite 11-300, Chicago IL 60601. (See 28 CFR 35.107)

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Office of Public Counsel, and who believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Office of Public Counsel or has been subject to discrimination by the Office of Public Counsel.

"Grievance Form" is prescribed for the purpose of filing a grievance under this Section and includes information such as name, address, phone number, nature of the grievance with specificity including date of incident, time, place and witnesses if applicable.

Section 1075.30 Procedure

- a) Grievances shall be submitted in accordance with procedures established in Section 1075.40 and 1075.50 of this Part defined below in the form and manner described, and within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer at the Designated Coordinator level and the Final Level.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure, within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given from the Office of Public Counsel in the grievance procedure.
- c) The Office of Public Counsel shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1075.40 Designated Coordinator Level

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive consideration by the Designated Coordinator.
- b) Upon request, assistance in completing the Grievance Form shall be provided by the Office of Public Counsel.

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- c) The Designated Coordinator, or his or her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and the Public Counsel within fifteen (15) days after receipt of the Grievance Form.

Section 1075.50 Final Level

- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Public Counsel for final review. The complainant shall submit these documents to the Public Counsel, together with a short written statement explaining the reason or reasons for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.
- b) Within fifteen (15) days, the Public Counsel shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairperson. The panel shall schedule a review of the grievance which shall commence no later than fifteen (15) days after the last member of the panel is appointed.
- c) Complainant shall be allowed to appear before the panel. Complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two (2) of the panel members, but not later than fifteen (15) days after the review in subsection (b) above, the panel shall make recommendations in writing to the Public Counsel as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Public Counsel in writing and shall sign such recommendation.
- e) Within ten (10) days after receipt of recommendations from a panel, the Public Counsel, or designee, shall approve, disapprove or modify the panel recommendation; shall render a decision thereon in writing; shall state the basis therefor; and shall cause a copy of the decision to be served on the parties. The Public Counsel's decision shall be final. If the Public Counsel disapproves or modifies the panel recommendations, the Public Counsel may include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendation of the panel and the decision of the Public Counsel shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1991, Ch. 116, par. 43.3 et seq.), or as otherwise required by law.

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Section 1075.60 Accessibility

The Office of Public Counsel shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

Section 1075.70 Case-By-Case Resolution

Each grievance involves a unique set of factors, which includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Office of Public Counsel. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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1) Heading of the Part: Comparable Benefits

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

2) Code Citation: 89 Ill. Adm. Code 567

3) Section Numbers: Adopted Action:

13) Will this rule replace an Emergency Rule(s) currently in effect? No

567.20 Amendment
567.30 Amendment
567.100 Amendment

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch.23, pars 3434 (a), (b), and (k), 29 U.S.C. 721 (a)(8) and 34 CFR 361.47(b).

15) Summary and Purpose of Rule(s): To change the term "similar benefits" to "comparable benefits" to match current federal language, and, as the result of a recent federal policy directive, to prohibit loans taken by a client to complete his/her rehabilitation program to be counted as comparable benefits.

5) Effective Date of Rule(s) (Amendments, Repealer): December 18, 1992

6) Does this rulemaking contain an automatic repeal date?

16) Information and answers to questions regarding this adopted rule shall be directed to:

Yes ☐ No ☒

7) Does this rule (amendment, repealer) contain incorporations by reference? No

Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

8) Date Filed in Agency's Principal Office: December 15, 1992

9) Notice of Proposal Published in Illinois Register:

Telephone number: (217) 785-3896
T.D.D./T.T.: (217) 785-9301

July 6, 1992, 16 Ill. Reg. 10403
(issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? NO If answer is "yes," please complete the following:

The full text of Adopted Rule(s) begins on the next page:

A) Statement of Objection: (issue date), Ill. Reg. _____

B) Agency Response: (issue date), Ill. Reg. _____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: None

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TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 567
SIMILARCOMPARABLE BENEFITS

Section

567.10 General Applicability

567.20 Definition of SimilarComparable Benefits567.30 Exceptions to SimilarComparable Benefits567.100 Refusal of SimilarComparable Benefits

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989¹, ch. 23, pars. 3434(a),(b), and (k)), 29 U.S.C. 721(a)(8), and 34 CFR 361.47(b).

SOURCE: Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 15 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149 effective December 18, 1992.

Section 567.20 Definition of SimilarComparable
 Benefits

- a) SimilarComparable benefits are services which are used to determine eligibility (89 Ill. Adm. Code 552) or to achieve the vocational goal and objectives specified in the client's Individualized Written Rehabilitation Program (89 Ill. Adm. Code 572) that, when provided to DORS clients by public or private agencies other than DORS, offset costs which would otherwise be paid by DORS or the client.
- b) Private monetary merit awards, contributions and gifts which are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that shall be considered as a similarComparable benefit to reduce the client's need for that service(s)

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from DORS. Unrestricted monetary merit awards, contributions and gifts shall not be considered as an available resource by DORS.

- c) While a client will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she may not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended at 17 Ill. Reg. 149 effective Dec. 18, 1992)

Section 567.30 Exceptions to SimilarComparable

Benefits

SimilarComparable benefits must be pursued for all services except:

- a) if a search for similarComparable benefits would delay the provision of VR services to a client who is at extreme medical risk, based upon medical evidence provided by an appropriately licensed medical professional;
- b) evaluation of vocational rehabilitation potential;
- c) counseling, guidance, referral, and placement;
- d) vocational and other training services, (e.g., on-the-job training, work adjustment training including at a rehabilitation facility or nine month pre-vocational program for hearing impaired at Northern Illinois University, and work experience from the Secondary Transitional Experience Program) which are not provided in institutions of higher education (e.g., universities, colleges, vocational schools, technical institutes, or hospital schools of nursing);
- e) rehabilitation engineering services (i.e., the application of technologies, engineering methodologies or scientific principles to meet the needs of and address the barriers confronted by persons with disabilities);
- f) supported employment services (34 CFR 363.7 (1988)); and

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- g) post-employment services included in subsections (b), (c), (d), (e) and (f) above.

(Source: Amended at Ill. Reg. 149 effective Dec. 18, 1992)

Section 567.100 Refusal of Comparable Benefits

DORS cannot provide a service (with the exception of Section 567.30(a)-through(g)) to a client who refuses to make formal application to a similarcomparable benefit source or who refuses to accept a similarcomparable benefit for which he/she is eligible.

(Source: Amended at Ill. Reg. 149 effective Dec. 18, 1992)

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- 1) Heading of the Part: Financial Futures Contracts

- 2) Code Citation: 50 Ill. Adm. Code 805

- 3) Section Numbers: Emergency Action:

805.10	Amended
805.20	Amended
805.30	Amended
805.40	Amended
805.50	Amended
805.60	Amended
805.70	Amended

- 4) Statutory Authority: Implementing Article VIII and Section 133 and authorized by Sections 125.23a and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 736 et seq., 747, 737.23a and 1013)

- 5) Effective Date of Amendment: December 15, 1992

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

- 7) Date Filed in Agency's Principal Office: December 15, 1992

- 8) Reason for Emergency: The Chicago Board of Trade began issuing catastrophic and homeowner insurance futures and options contracts on December 11, 1992. Because of the timing involved with the Board's issuance of these contracts, the amendments being made herein could not be accomplished immediately by way of the regular rule making process.

- 9) A Complete Description of the Subjects and Issues Involved: Currently, Part 805 has a narrow definition of the term "financial futures contract." The defined term makes the current regulation applicable to only futures contracts on financial instruments. Financial instruments are defined to be publicly traded securities. Because of these narrow definitions, other futures contracts may be authorized pursuant to Insurance Code Section 125.22a. Effective December 11, 1992, the Chicago Board of Trade initiated a market in insurance futures contracts. The broad investment authority contained in Illinois Insurance Code Section 125.22a could result in solvency problems should an insurer

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invest in insurance futures up to the full amount authorized. Also, Section 125.22a does not require insurance futures to be used as hedging transactions, but could be entered as pure speculative investment transactions. The proposed amendments subject all futures transactions to the rule, establishes a reasonable economic limitation for purchasing insurance futures and requires them to be used only in hedging transactions. Additionally, the regulation establishes accounting, administration and recordkeeping requirements for these transactions.

- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Information and questions regarding this amendment:

Arnold Dutcher, Deputy Director
Financial Corporate Regulatory Division
320 West Washington
4th Floor
Springfield, IL 62767
(217) 782-6454

The full text of the Emergency Amendment begins on the next page:

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER j: INVESTMENTS OF DOMESTIC COMPANIES
PART 805
FINANCIAL FUTURES CONTRACTS

Section	Authority
805.10	
<u>EMERGENCY</u>	
805.20	Purpose
<u>EMERGENCY</u>	
805.30	Definitions
<u>EMERGENCY</u>	
805.40	Transactions in Financial Futures
<u>EMERGENCY</u>	
805.50	Accounting for Transactions in Financial Futures Contracts
<u>EMERGENCY</u>	
805.60	Administration and Recordkeeping
<u>EMERGENCY</u>	
805.70	Severability Provision
<u>EMERGENCY</u>	

AUTHORITY: Implementing Article VIII and Section 133 and authorized by Sections 125.23a and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 736 et seq., 747, 737.23a and 1013).

SOURCE: Adopted at 6 Ill. Reg. 2700, effective March 2, 1982; codified at 7 Ill. Reg. 4212; amended at 8 Ill. Reg. 1503 effective August 8, 1984; emergency amendment at 17 Ill. Reg. 154, effective December 15, 1992, for a maximum of 150 days.

Section 805.10 Authority
EMERGENCY

This Part is issued by the Director of Insurance under Section 125.23a and Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1983 91, ch. 73, pars. 737.23a and 1013) which empowers the Director "...to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State.

(Source: Emergency amendment at 17 Ill. Reg. 154, effective Dec. 15, 1992, for a maximum of 150 days)

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Section 805.20 Purpose
EMERGENCY

It is the purpose of this Part to implement Article VIII of the Illinois Insurance Code (Ill. Rev. Stat. 1983 9L, ch. 73, par. 736 et seq.); and Section 133 of the Illinois Insurance Code, (Ill. Rev. Stat. 1983 9L, ch. 73, par. 745) by setting forth requirements and limitations relating to participation by a domestic insurance company (hereinafter "insurer") in the exchange-traded financial futures markets; and by establishing recordkeeping requirements concerning such transactions.

(Source: Emergency amendment at 17 Ill. Reg. 154, effective Dec. 15, 1992, for a maximum of 150 days)

Section 805.30 Definitions
EMERGENCY

"Commodity Futures Trading Commission" means the federal regulatory agency charged and empowered under the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. 1 et seq.) with regulation of the commodity exchanges or any other agency of the federal government which thereafter succeeds to or shares such power.

"Deferred gains or losses" are the amounts of unrecognized increase and decrease in the value of financial futures contracts related to uncompleted hedging transactions. These deferred amounts may, in some cases, result from terminated financial futures contracts.

"Exchange-traded" means traded on an exchange designated as a contract market regulated by the Commodity Futures Trading Commission under the terms and conditions required by, or substantially similar to a National Securities Exchange registered under the Securities and Exchange Act of 1934 (15 U.S.C. 78(a) et seq.) which has been authorized to provide a market for option contracts pursuant to Rule 9b-1 of the Securities and Exchange Act of 1934, as amended, or traded on a commodity exchange designated as a contract market regulated by the Commodity Futures Trading Commission (Ill. Rev. Stat. 1991, ch. 73, par. 737.24(a)).

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"Financial futures contract" means an exchange-traded agreement to make or take delivery of (or to make cash settlement in lieu thereof) a specified amount of financial instruments on a specified date or period of time, contract which is based upon a "commodity" as defined in Section 2(a)(1)(A) of the Commodity Exchange Act, as amended (7 U.S.C. 1, et seq.), or any other successor statute or one or more financial instruments, under terms and conditions regulated by the Commodity Futures Trading Commission.

"Financial instrument" means:

a security, currency, deposit or any other instrument, or index of a group of securities or currencies, deposits or instruments authorized or permitted under Sections 125.1a through 125.12a and or Section 125.21a of the Illinois Insurance Code (Ill. Rev. Stat. 1983 9L, ch. 73, pars. 737.1 through 737.12a and 737.21a); or

an index or pool which is composed of (or is otherwise based upon) insurance-related items.

"Hedge" is a positioning of a hedged item with one or more hedging transactions.

"Hedged Item" is a company asset, or liability, group of company assets or liabilities, or assets or liabilities of groups of assets or liabilities revenue or expense, group, combination or ratio of company assets, liabilities, revenues or expenses, or any such items or group of items reasonably expected to be acquired or incurred or generated by the company in the normal course of business. Such assets or liabilities must bear price or interest rate items must bear price, valuation, interest rate or, with respect to insurance-related items, underwriting or other insurance related risk.

"Hedging Transaction" is the opening or closing, for such transaction may be adjusted from time to time, of one or more qualifying financial futures contracts or call or put options which can reasonably be expected to minimize or reduce the price or interest rate,

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valuation, interest rate or, with respect to insurance-related items, underwriting or other insurance-related risk of the hedged item.

Insurance-related items are those assets, liabilities, revenues or expenses (including groups, combinations or ratios thereof) or other data of an insurance company related to the issuance of insurance policies or reinsurance treaties or the assumption of risk inherent therein, or otherwise related to the business of insurance.

"Margin" includes initial and maintenance margins and means any type of deposit or settlement made or required to be made with a futures commission merchant, security broker, clearinghouse, or safekeeping agent to ensure performance of the terms of the financial futures contract. For purposes of this Part, "maintenance margin" includes "variance margin."

Qualifying financial futures contract means a financial futures contract which is based upon one or more financial instruments or which has been approved in writing by the Director, upon an insurer's demonstrating to the satisfaction of the Director that the use of such financial futures contract can reasonably be expected to reduce the price, valuation, interest rate or, with respect to insurance-related items, underwriting or other insurance-related risk to which the insurer is subject.

(Source: Emergency amendment at 17 Ill. Reg. 154, effective Dec. 15, 1992, for a maximum of 150 days)

Section 805.40 Transactions in Financial Futures EMERGENCY

- a) An insurer shall not enter into a financial futures contracts-except-as-part unless it is a qualifying financial futures contract and is used in the context of a hedging transaction. If during the life of a hedge, the total dollar variation between the hedged item and the hedging transaction no longer is expected to be significantly correlated, the transaction will no longer be considered a hedge and the financial futures contract must be closed. Transactions in financial

futures must be evidenced by a trade confirmation or other evidence of ownership issued to the insurer by an entity authorized to do so, as described in the definition of "Exchange-traded" in Section 805.30 of this Part.

- b) An insurer shall never have an aggregate of any form of margin and net deferred gains and losses from terminated financial futures contracts outstanding under Section 125.23a of the Illinois Insurance Code, of more than 10% of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the insurer is authorized to write. Insurer assets utilized to fulfill margin requirements shall be classified exclusively under Section 125.23a, notwithstanding any other investment sections of the Code under which the assets may have previously or may in the future be qualified. Further, the with respect to any financial futures contracts-must-be-in-investments-permitted which relates to an underlying investment position authorized or permitted under Section 125.1a through 125.12a or Section 125.21a of the Illinois Insurance Code, an insurer shall not take a "long" financial futures position (i.e., buy futures contracts) representing an amount of securities, currencies, deposits or other instruments which, when aggregated with other current holdings under would exceed the applicable limitations contained in Sections 125.1a through 125.12a and Section 125.21a of the Illinois Insurance Code (Ill. Rev. Stat. 1983 91, ch. 73, par. 737.1a through 737.12a and 737.21a) whether or not they are-acquired-underlying investment position is taken at the delivery date of the futures contract.

(Source: Emergency amendment at 17 Ill. Reg. 154, effective Dec. 15, 1992, for a maximum of 150 days)

Section 805.50 Accounting for Transactions in Financial Futures Contracts EMERGENCY

- a) Assets or liabilities carried at amortized cost.
1) Gains and losses from hedged transactions may be

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deferred for hedged items carried at amortized cost. If the dollar change in the hedged item is different than the total dollar change from the hedging transactions, the difference in dollar change (i.e. the extent to which the transaction is not effective as a hedge), if expected to be permanent, shall be recognized currently. Until a hedge is terminated, deferred gains and losses are liabilities and assets respectively.

activity in financial futures contracts by the insurer's board of directors or its designee, as set forth in Section 605-60 subsection (b) below.

- b) Recordkeeping systems must be sufficiently detailed to permit internal auditors and insurance department examiners to determine whether operating personnel have acted in accordance with established policies and procedures, as set forth in Section 805-60 subsection (a) above, and for determination of compliance with other Sections of this Part. Insurer records must identify for each hedging transaction, the related financial futures contracts, and the hedged items and the risks being reduced by the hedging transaction.
- c) Each financial futures contract transaction must be authorized or ratified by the company as provided for in Section 124.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1993 91, ch. 73, par. 736.1).

- 3) Allocation of gains or losses to the hedged item shall be recognized in a systematic and rational method, as set forth in Section 805.60(b) of this Part.

(Source: Emergency amendment at 17 Ill. Reg. 154, effective Dec. 15, 1992, for a maximum of 150 days)

Section 805.70 Severability Provision

EMERGENCY

If any Section or portion of a Section of this Part, or the applicability thereof to any person or circumstances is held invalid by a court, the remainder of this Part, or the applicability of such provision to other persons or circumstances, shall not be affected thereby.

(Source: Emergency amendment at 17 Ill. Reg. 154, effective Dec. 15, 1992, for a maximum of 150 days)

(Source: Emergency amendment at 17 Ill. Reg. 154, effective Dec. 15, 1992, for a maximum of 150 days)

Section 805.60 Administration and Recordkeeping
EMERGENCY

- a) Prior to engaging in transactions in financial futures contracts, an insurer shall develop and adequately document policies and procedures regarding investment strategies and objectives, recordkeeping needs, and reporting matters. Such policies and procedures shall address authorized investments, investment and liability positions, applicable limitations, authorization and approval procedures, accounting and reporting procedures and controls, and shall provide for review of

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- 1) Heading of the Part: Purchasing and Selling Call and Put Options Contracts

- 2) Code Citation: 50 Ill. Adm. Code 802

- 3) Section Numbers: Emergency Action:

802.10	Amended
802.20	Amended
802.30	Amended
802.40	Amended
802.50	Amended
802.60	Amended
802.70	Amended
802.80	Amended

- 4) Statutory Authority: Implementing Article VIII and Section 133 and authorized by Sections 125.24a and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 736 et seq., 745, 737.24a and 1013).

- 5) Effective Date of Amendment: December 15, 1992

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

- 7) Date Filed in Agency's Principal Office: December 15, 1992

- 8) Reason for Emergency: The Chicago Board of Trade began issuing catastrophic and homeowner insurance futures and options contracts on December 11, 1992. Because of the timing involved with the Board's issuance of these contracts, the amendments being made herein could not be accomplished immediately by way of the regular rulemaking process.

- 9) A Complete Description of the Subjects and Issues Involved: Currently, Part 802 has a narrow definition of the term "financial futures contract." The defined term makes the current regulation applicable to only futures contracts on financial instruments. Financial instruments are defined to be publicly traded securities. Because of these narrow definitions, other futures contracts may be authorized pursuant to Insurance Code Section 125.22a. Effective December 11, 1992, the Chicago Board of Trade initiated a market in insurance futures contracts. The broad

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investment authority contained in Illinois Insurance Code Section 125.22a could result in solvency problems should an insurer invest in insurance futures up to the full amount authorized. Also, Section 125.22a does not require insurance futures to be used as hedging transactions, but could be entered as pure speculative investment transactions. The proposed amendments subject all futures transactions to the rule, establishes a reasonable economic limitation for purchasing insurance futures and requires them to be used only in hedging transactions. Additionally, the regulation establishes accounting, administration and recordkeeping requirements for these transactions.

- 10) Are there any proposed amendments to this Part pending?
No.

- 11) Statement of Statewide Policy Objectives: These amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Information and questions regarding this amendment:

Arnold Dutcher, Deputy Director
Financial-Corporate Regulatory Division
320 West Washington
4th Floor
Springfield, Illinois 62767
(217) 782-6454

The full text of the Emergency Amendment begins on the next page:

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER j: INVESTMENTS OF DOMESTIC COMPANIES

PART 802
PURCHASING AND SELLING CALL AND PUT OPTIONS CONTRACTS

Section

802.10

Authority

EMERGENCY

802.20

Definitions

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802.30

Purchase of Exchange-Traded Call and Put Options

EMERGENCY

802.40

Sale and Assignment of Call and Exchange-Traded Put Options

EMERGENCY

802.50

Accounting for Transactions in Call and Put Options 802-60

EMERGENCY

802.60

Valuation

EMERGENCY

802.70

Administration and Recordkeeping

EMERGENCY

802.80

Severability Provision

EMERGENCY

AUTHORITY: Implementing Article VIII and Section 133 and authorized by Sections 125.24a and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 198391, ch. 73, pars. 736 et seq., 745, 737.24a and 1013).

SOURCE: Filed February 14, 1977, effective March 1, 1977; codified at 6 Ill. Reg. 12460; amended at 8 Ill. Reg. 15044, effective August 8, 1984; emergency amendment at 17 Ill. Reg. 163, effective December 15, 1992, for a maximum of 150 days.

Section 802.10 Authority

EMERGENCY

It is the purpose of this RulePart to implement Article VIII of the Illinois Insurance Code (Ill. Rev. Stat. 198391, ch. 73, par. 736, et seq.) and Section 133 of the Illinois Insurance Code (Ill. Rev. Stat. 198391, ch. 73, par. 745) by setting forth requirements and limitations for domestic companies

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relating to the purchase of call and put options traded on a registered national securities exchange or a designated commodities exchange; and the sale of call and put options; and by establishing recordkeeping requirements concerning such transactions.

(Source: Emergency amendment at 17 Ill. Reg. 163, effective December 15, 1992, for a maximum of 150 days)

Section 802.20 Definitions

EMERGENCY

"Call Option" means an option contract under which the holder of the option contract has the right, in accordance with the terms of the contract, to purchase (or to make a cash settlement in lieu thereof) the amount of the underlying financial instrument covered by the option contract.

"Closing purchase transaction" means the purchase of a call or put option, the effect of which is to reduce or eliminate the obligations of an insurer as a call or put option writer with respect to an option contract or contracts.

"Closing sale transaction" means the writing (sale) of a call or put option, the effect of which is to reduce or eliminate the obligations of an insurer as a call or put option purchaser with respect to an option contract or contracts.

"Commodity Futures Trading Commission" means the federal regulatory agency charged and empowered under the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. §1 et seq.) with regulation of the commodity exchanges or any other agency of the federal government which thereafter succeeds to, or shares such power.

"Escrowed securities" means financial instruments owned by an insurance company with respect to which a custodial agreement has been entered.

"Exchange-traded" means traded under the terms and conditions required by, or substantially similar to a National Securities Exchange registered under the Securities and Exchange Act of 1934 (15 U.S.C. §78(a) et seq.) which has been authorized to provide a market for

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option contracts pursuant to Rule 9b-1 of the Securities and Exchange Act of 1934, as amended, or traded on a commodity exchange designated as a contract market regulated by the Commodity Futures Trading Commission (Ill. Rev. Stat. 198391, Ch. 73, par. 737.24(a)).

"Financial-futures-contract" means an exchange-traded agreement to make or take delivery of (or to make cash settlement in lieu thereof) a specified amount of financial instruments on a specified date or period of time under terms and conditions regulated by the Commodity Futures Trading Commission.

"Financial instrument" means:

a security, currency, financial-futures-contract deposit or any other instrument, or index of a group of securities or currencies, deposits or instruments, authorized or permitted under Sections 125.1a through 125.12a, or Section 125.21a and of the Illinois Insurance Code (Ill. Rev. Stat. 1991, Ch. 73, par. 737.1 through 737.12a and 737.21a); or

an index or pool which is composed of (or is otherwise based upon) insurance-related items; or

a qualifying financial futures contract authorized under Section 125.23a of the Illinois Insurance Code (Ill. Rev. Stat. 198391, Ch. 73, par. 737.1a through 737.12a, 737.21a and 737.23a).

"Guaranteed funds" means cash or cash equivalents as may be defined from time to time under Federal Reserve Regulation T (12 CFR §220.1 et seq., May 20, 1982) or its equivalent successor federal regulation, which are owned by an insurer and with respect to which a guarantee letter has been issued.

"Guarantee letter" means a letter issued by a bank or trust company organized under the laws of the United States or any state thereunder, and that is subject to the supervision and examination of a federal or state agency, which warrants that the bank or trust company has on deposit on behalf of its customer guaranteed funds sufficient to cover the purchase price of the underlying financial instrument subject to the option contract.

Insurance-related items are those assets, liabilities, revenues or expenses (including groups, combinations or ratios thereof) or other data of an insurance company related to the issuance of insurance policies or reinsurance treaties or the assumption of risk inherent therein, or otherwise related to the business of insurance.

"Margin" includes initial and maintenance margins and means any type of deposit or settlement, made or required to be made with a futures commission merchant, security broker, clearinghouse, or safekeeping agent to ensure performance of the terms of the option contract. For purposes of this Part, "maintenance margin" includes "variance margin".

"Put option" means an option contract under which the holder of the contract has the right, in accordance with the terms of the contract, to sell (or to make a cash settlement in lieu thereof) the amount of the underlying financial instrument covered by the put option contract.

Qualifying financial futures contract means an exchange-traded contract which is based upon one or more financial instruments or which has been approved in writing by the Director, upon an insurer's demonstrating to the satisfaction of the Director that the use of such contract can reasonably be expected to reduce the price, valuation, interest rate or, with respect to insurance-related items, underwriting or other insurance-related risk to which the insurer is subject, in either case under terms and conditions regulated by the Commodity Futures Trading Commission.

(Source: Emergency amendment at 17 Ill. Reg. 163, effective December 15, 1992 for a maximum of 150 days)

Section 802.30 Purchase of Exchange-Traded Call and Put Options
EMERGENCY

- a) Any purchase of exchange-traded call or put options, except in closing purchase transactions, shall be:

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- 1) limited in the aggregate by the purchase of such options to 10% of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write; and
- 2) evidenced by a trade confirmation or other confirmation of ownership issued to the insurer by an entity duly authorized to do so, as described in the definition of Exchange-Traded in Section 802.20 of this Part.
- b) The call option must not give the insurer the right to acquire financial instruments which, when aggregated with current holdings, including potential holdings under Section 125.23a of the Illinois Insurance Code (Ill. Rev. Stat. 198391, ch. 73, par. 737.23a) exceed applicable limitations contained in Sections 125.1a through Section 125.12a and Section 125.21a of the Illinois Insurance Code (Ill. Rev. Stat. 198391, ch. 73, par. 737.1a through 737.12a and 737.21a) whether or not they are acquired at the delivery date.

(Source: Emergency amendment at 17 Ill. Reg. 163, effective December 15, 1992 for a maximum of 150 days)

Section 802.40 Sale and Assignment of Call and Exchange-Traded Put Options
EMERGENCY

- a) Any insurer which sells (writes) call options with respect to financial instruments it owns shall:
 - 1) maintain custodial agreements which call for its escrowed securities to be kept segregated by the bank or other custodial agent from other financial instruments owned by the insurer or others, which are deposited with the same bank or custodial agent or in a margin account; and
 - 2) obtain and retain in its possession documentation as required by Section 802.70(b) of this Part for all transactions relating to the escrowed securities.

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- b) Any insurer which sells (writes) put options guaranteed by funds it owns shall:
 - 1) maintain custodial agreements which call for its guaranteed funds to be kept segregated by the bank or other custodian from other financial instruments owned by the insurer or others which are deposited with the same bank or custodial agent or in a margin account; and
 - 2) obtain and retain in its possession a copy of a guarantee letter identifying with particularity its guaranteed funds so escrowed; and
 - 3) not become potentially obligated through the sale of such put option for the purchase of financial instruments in amounts which, when aggregated with current holdings, including potential holdings under Section 125.23a of the Illinois Insurance Code (Ill. Rev. Stat. 198391, ch. 73, par. 737.23a) exceed the applicable limitations contained in Section 125.1a through Section 125.12a and Section 125.21a of the Illinois Insurance Code (Ill. Rev. Stat. 198391, ch. 73, par. 737.1a through 737.12a and 737.21a), whether or not such financial instruments are acquired at the delivery date.

(Source: Emergency amendment at 17 Ill. Reg. 163, effective Dec. 15, 1992, for a maximum of 150 days)

Section 802.50 Accounting for Transactions in Call and Put Options
EMERGENCY

- a) Accounting procedures for call and put options purchased by an insurance company shall be in accordance with the following principles:
 - 1) The consideration paid for the call or put option shall be treated as a deferred asset.
 - 2) If the call or put option expires without exercise, the expiration shall be treated as a sale of the call or put option on the expiration date, and the resultant loss shall be recognized currently.

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- 3) If the call option is exercised, the consideration paid for it shall be added to the price paid for the underlying financial instrument and thus treated as a capital expenditure.
 - 4) If the put option is exercised, the consideration paid for it shall be deducted from the price received for the underlying financial instrument and thus treated as a reduction of proceeds.
 - 5) If the call or put option is terminated through a closing sale transaction, the difference between the consideration paid in the purchase of the call or put option and the consideration received in the closing sale transaction shall be treated, at the time of such closing sale transaction, as a gain or loss, as the case may be.
- b) Accounting procedures for call or put options sold (written) by an insurance company shall be in accordance with the following principles:
- 1) The consideration received for selling the call or put option shall not be included in income at the time of receipt, but shall be carried in a deferred account until one of the following occurs:
 - A) the call or put option expires through the passage of time, or
 - B) the insurer sells the underlying stock financial instrument pursuant to the exercise of the call option, or
 - C) the insurer purchases the underlying financial instrument pursuant to the exercise of the put option, or
 - D) the insurer engages in a closing purchase transaction.
 - 2) If the obligation under the call or put option expires through the passage of time, the consideration for the option shall be recognized currently at the time of such expiration.

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- 3) If the underlying financial instrument is sold pursuant to the exercise of the call option, the consideration received for the option shall be treated as increasing the amount realized upon the sale of the underlying financial instrument and shall be included in determining capital gain or loss.
- 4) If the underlying financial instrument is purchased pursuant to the exercise of the put option, the consideration received for the option shall be treated as reducing the cost basis of the financial instrument so purchased.
- 5) If the obligation under the call or put option is terminated through a closing purchase transaction, the difference between the consideration received from the sale of the call or put option and the consideration paid in the closing purchase transaction shall be treated, at the time of such closing purchase transaction, as a gain or loss, as the case may be.

(Source: Emergency amendment at 17 Ill. Reg. 163, effective Dec. 15, 1992, for a maximum of 150 days)

Section 802.60 Valuation

EMERGENCY

- a) Each exchange-traded call or put stock or stock index option purchased by an insurance company shall be valued at the current market price thereof on a registered national securities exchange. This "marking-to-market" will result in an unrealized gain or loss.
- b) Stock owned by an insurance company with respect to which a call option has been sold shall be valued, so long as the option exists, at the current market price of the stock.
- c) The amount held in a deferred account for call or put stock options sold shall be valued at the current market price. The adjustment will result in an unrealized gain or loss.

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d) The amount held in a deferred account for a call or put option may be valued at cost if the underlying financial instrument:

- 1) would be carried at amortized cost if acquired by the insurance company, or
- 2) is a debt financial futures or a debt index contract.

e) Amounts may be deferred for expired or closed options contracts if the contracts are related to uncompleted hedging transactions as defined in 50 Ill. Adm. Code Part 805.

f) Debt instruments owned by an insurance company with respect to which a call option has been sold shall continue to be valued in the same manner as any other such instruments owned by said company.

(Source: Emergency amendment at 17 Ill. Reg. 163, effective Dec. 15, 1992, for a maximum of 150 days)

Section 802.70 Administration and Recordkeeping EMERGENCY

a) Prior to engaging in transactions in call and put options, an insurer shall develop and adequately document policies and procedures regarding investment strategies and objectives, recordkeeping needs, and reporting matters. Such policies and procedures shall address authorized investments, investment and liability positions, applicable limitations, authorization and approval procedures, accounting and reporting procedures and controls, and shall provide for review of activity in call and put options by the insurer's board of directors or its designee as set forth in subsection (b) below.

b) Recordkeeping systems must be sufficiently detailed to permit internal auditors and insurance department examiners to determine whether operating personnel have acted in accordance with policies and procedures established by the insurer pursuant to Section 802.70 subsection (a) above. Insurer records must identify for each hedging transaction the related call and put options,

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and the hedged items, and the risks being reduced by the hedging transaction.

- c) Each call and put option transaction must receive action authorized or ratified by the company as provided in Section 124.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1983, ch. 73, par. 736.1).

(Source: Emergency amendment at 17 Ill. Reg. 163, effective Dec. 15, 1992, for a maximum of 150 days)

Section 802.80 Severability Provision EMERGENCY

If any Section or portion of a Section of this Part, or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of this Part, shall not be affected thereby.

(Source: Emergency amendment at 17 Ill. Reg. 163, effective Dec. 15, 1992, for a maximum of 150 days)

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to the expiration of these emergency amendments.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

12) Information and questions regarding these emergency amendments shall be directed to:

Name: Mr. Larry E. Matejka
Executive Director

Address: Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, Illinois 60015

Telephone: (708) 948-8500

The full text of the emergency amendments begin on the next page:

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1) The Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program

2) Code Citation: 23 Ill. Adm. Code 2763

3) Section numbers: 2763.20
Emergency Action: amendment

4) Statutory Authority: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.7f, as amended by Public Acts 87-997 and 87-1004, effective September 3, 1992 and P.A. 87-0920, effective January 1, 1993) and authorized by Section 20 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.4(f), as amended by P.A. 87-997, effective September 3, 1992).

5) Effective Date of Amendments: January 1, 1993

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire. These emergency amendments will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: December 15, 1992

8) Reason for Emergency: On August 24, 1992, Governor Edgar signed Public Act 87-0920, which affected the Minority Teachers of Illinois Scholarship Program.

ISAC was unable to enact amendments implementing that Public Act through the regular rulemaking process in sufficient time to have operational rules when the law became effective. In the absence of emergency rules, ISAC would have no method by which to award scholarships pursuant to the liberalized eligibility requirements, which could result in a decrease in student enrollment, and general revenue funds appropriated for the 1992-93 academic year may be returned to the state unexpended, contrary to the intentions of the legislature. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5.02 of the Illinois Administrative Procedures Act.

9) A Complete Description of the Subjects and Issues Involved: These emergency amendments will affect the Minority Teachers of Illinois Scholarship Program, which encourages academically talented minority students to pursue careers as teachers in Illinois schools. The program is aimed at providing minority children with access to a greater number of minority role models. This rulemaking will implement recent legislative changes to this program by expanding the eligibility requirements. ISAC intends to adopt amendments through the regular rulemaking process prior

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

Part 2763
MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP AID PROGRAM

Section	
2763.10	Summary and Purpose
2763.20	Definitions
EMERGENCY	
2763.30	Minority Scholar Eligibility
2763.40	Application Procedures
2763.50	Institutional Procedures

AUTHORITY: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.7f, as amended by Public Acts 87-997 and 87-1004, effective September 3, 1992 and P.A. 87-0920, effective January 1, 1993) and authorized by Section 20 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.4(f)).

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency amendments at 17 Ill. Reg. 173, effective January 1, 1993, for a maximum of 150 days.

Section 2763.20

Definitions

"Approved High School" - Defined at Section 30-15.2(c) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1989, ch. 122, par. 30-15.2(c)); means any public high school located in this State; and any high school located in the State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which, in the judgment of the Superintendent, provides a course of instruction at the secondary level, and maintains standards of instruction substantially equivalent to those of public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.2, as amended by P.A. 87-997, effective September 3, 1992).)

"Cost of Attendance" - Defined at Section 472 of the Higher Education Act of 1965, as amended; (20 U.S.C.A. 108711 (1990)).

"Cumulative Grade Point Average" - The means the average grade earned throughout a student's educational program. The calculation

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shall be consistent with the Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"Eligible Applicant" - An individual who is eligible to apply for scholarship assistance under this Part, as defined in Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a)), as amended by P.A. 87-392, effective September 6, 1991; means a minority student who has graduated from high school and has maintained a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section. (Section 30(a) of the Higher Education Student Assistance Act.)

"Institution of Higher Learning" - Defined at Section 30-15.2(d) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1989, ch. 122, par. 30-15.2(d)); means an educational organization located in this State which (1) provides at least an organized 2 year program of collegiate grade in liberal arts or sciences, or both, directly applicable toward the attainment of a baccalaureate degree, or, beginning with academic year 1972, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree, (2) either is (A) operated by this State, or (B) operated publicly or privately, not for profit, (3) in the judgment of the Commission meets the standards substantially equivalent to those of comparable institutions operated in this State, and (4) if so required by the Commission, uses the State as its primary guarantor of student loans made pursuant to the Higher Education Act of 1965. For otherwise eligible educational organizations which provide academic programs for incarcerated students, the terms "institution of higher learning", "qualified institutions", and "institution" shall specifically exclude academic programs for incarcerated students. (Section 10 of the Higher Education Student Assistance Act.)

"Minority Scholar" - Means an AA individual who ISAC determined to be eligible to receive an MTI scholarship and who receives or has received scholarship assistance under this Part.

"Minority Student" - Defined at Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a)), as amended by P.A. 87-392, effective September 6, 1991; means a student who is either (i) Black (a person having origins in any of the black racial groups in Africa); (ii) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); (iii) Asian American (a person with

ILLINOIS STUDENT ASSISTANCE COMMISSION

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origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia; or (iv) Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska. (Section 50(a) of the Higher Education Student Assistance Act.)

"Qualified Student" - An individual who, if a graduate of a high school, is eligible to receive scholarship assistance under this Part, as defined in Section 30-15.7f(4) of the Higher Education Student Assistance Act, as amended by P.A. 87-320, effective September 6, 1991; means a person (i) who is a resident of this State and a citizen or permanent resident of the United States; (ii) who is a minority student, as defined in this Section; (iii) who, as an eligible applicant, has made a timely application for a minority teaching scholarship under this Section; (iv) who is enrolled on a full time basis at the sophomore level or above at a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree; (v) who is enrolled in a course of study leading to a teacher certification; (vi) who maintains a grade point average of no less than 2.5 on a 4.0 scale while enrolled at the postsecondary level; and (vii) who continues to advance satisfactorily toward the attainment of a degree. (Section 50(a) of the Higher Education Student Assistance Act.)

"Teacher Education Program" - means an undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as an elementary or secondary school teacher by the Illinois State Board of Education. For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Emergency amendment at 17 Ill. Reg. 173, effective January 1, 1993, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF LABOR

Heading of Part: Health and Safety

Code Citation: 56 Ill. Adm. Code 350

Section Numbers: 350.280(c)

Date Originally Published in the Illinois Register: 3/13/92
16 Ill. Reg. 3780

At its meeting on December 15, 1992, the Joint Committee on Administrative Rules objected to the above cited rulemaking because it is economically overburdensome to units of local government. The Department of Commerce and Community Affairs characterizes this rulemaking as an unfunded personnel mandate under the State Mandate Act, imposing \$8.8 million in costs on units of local government. The Department's estimate of cost savings realized by this rulemaking is undocumented in that there is no showing that implementation of this rulemaking will result in net cost savings to units of government, nor is there a comprehensive assessment of the net costs imposed on units of local government.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

STATE POLICE MERIT BOARD

Heading of Part: Procedures of the Department of State Police Merit BoardCode Citation: 80 Ill Adm Code 150Section Numbers: 150, 210Date Originally Published in the Illinois Register: 11/13/92
16 Ill Reg 17372

At its meeting on December 15, 1992, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Board seek legislation to delete the statutory requirement that the Board is to set a maximum hiring age for Illinois State Police Sworn Officers. If the Board has concurred with the federal Equal Employment Opportunity Commission that a maximum age limit is not good public policy, then that policy should be reflected in statute as well as rule.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 16, 1992 through December 27, 1992, and have been scheduled for review by the Committee at its January 12, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield, IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
1/27/93	Illinois Housing Development Authority, Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 700)	10/16/92 16 Ill Reg 15684	1/12/93
1/27/93	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	10/9/92 16 Ill Reg 15296	1/12/93
1/27/93	Department of Public Aid, General Assistance (89 Ill Adm Code 114.420)	10/2/92 16 Ill Reg 15008	1/12/93
1/27/93	Department of Professional Regulation, The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)	10/30/92 16 Ill Reg 16484	1/12/93
1/27/93	Illinois Industrial Commission, Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 225)	5/22/92 16 Ill Reg 7749	1/12/93
2/1/93	Pollution Control Board, New Activities in a Setback Zone or Regulated Recharge Area (35 Ill Adm Code 616)	10/30/92 16 Ill Reg 16473	1/12/93
2/1/93	Pollution Control Board, Existing Activities in a Setback Zone or Regulated Recharge Area (35 Ill Adm Code 615)	10/30/92 16 Ill Reg 16465	1/12/93
2/1/93	Department of Agriculture, Lawncare and Wash Water Rinsate Collection (8 Ill Adm Code 256)	10/2/92 16 Ill Reg 14975	1/12/93

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
2/1/93	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	10/2/92 16 Ill Reg 14999	1/12/93
2/1/93	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	8/7/92 16 Ill Reg 12274	1/12/93
2/1/93	Department of Public Health, Emergency Medical Services Code (77 Ill Adm Code 535)	7/10/92 16 Ill Reg 10911	1/12/93
2/1/93	Department of Public Health, Illinois Trauma Center Code (77 Ill Adm Code 540)	10/2/92 16 Ill Reg 15023	1/12/93
2/1/93	Department of Public Health, Illinois Water Well and Pump Installation Contractor's License Act (77 Ill Adm Code 915)	7/10/92 16 Ill Reg 10989	1/12/93
2/1/93	Department of Public Health, Joint Rules of the Illinois Environmental Protection Agency and the Illinois Department of Public Health and the Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 190)	8/14/92 16 Ill Reg 12769	1/12/93
2/1/93	Department of Public Health, Drinking Water Systems Code (77 Ill Adm Code 900)	7/10/92 16 Ill Reg 10870	1/12/93
2/4/93	Department of Corrections, Repeal of Advocacy Services (20 Ill Adm Code 440)	10/23/92 16 Ill Reg 16371	1/12/93
2/4/93	Department of Public Aid, Child Support Enforcement (89 Ill Adm Code 160)	6/12/92 16 Ill Reg 8892	1/12/93

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 3)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
2/4/93	Department of Public Health, Hearing Aid Consumer Protection Code (77 Ill Adm Code 682)	9/4/92 16 Ill Reg 13428	1/12/93
2/4/93	Department of Public Health, Hearing Aid Consumer Protection Continuing Education Requirements (77 Ill Adm Code 3000)	9/4/92 16 Ill Reg 13463	1/12/93
2/4/93	Department of Public Health, Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)	3/27/92 16 Ill Reg 4755	1/12/93
2/4/93	Department of Public Health/Health Facilities Planning Board, Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)	10/9/92 16 Ill Reg 15321	1/12/93
2/4/93	Department of Public Health/Health Facilities Planning Board, Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)	10/9/92 16 Ill Reg 15328	1/12/93
2/4/93	Department of Public Health/Health Facilities Planning Board, Health Facilities Planning Financial and Economic Feasibility Review (77 Ill Adm Code 1120)	4/3/92 16 Ill Reg 5205	1/12/93

PROCLAMATION

92-554

DAVE MAGEE DAY

Whereas, Dave Magee is one of the best-known harness drivers in Illinois; and

Whereas, he got his start in the racing industry training horses for his grandfather. He then raced the Wisconsin fair circuit for \$300 and a blanket and finally made it to the Chicago circuit as a groom for his uncle; and

Whereas, in 1991, Dave finished among the top 25 drivers in North America in both wins and earnings, marking the 12th time in 13 years that he has earned this recognition; and

Whereas, Dave has driven several outstanding horses throughout his career, including Panic Attack, the 1991 Illinois Horse of the Year; R M Gee, 1991 winner of the Hayes Memorial; and Lawful Hanover, the 1991 winner of the Abraham Lincoln in Maywood; and

Whereas, Dave enjoys the support of his wife, Kathy Jo, and their four children, Matthew, Lindsey, Ross, and Jess; and

Whereas, on November 28, 1992, Dave became the first Illinois harness driver to win 500 races in one year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 5, 1992, DAVE MAGEE DAY in Illinois and urge harness racing fans everywhere to remember Dave's contributions to the horse racing industry.

Issued by the Governor December 3, 1992.

Filed with the Secretary of State December 17, 1992.

92-555

ROBERT BECKWITH DAY

Whereas, after 25 years of dedicated service, Robert M. Beckwith is retiring from his position as director of education policy for the Illinois State Chamber of Commerce; and

Whereas, Bob has devoted more than two decades of unprecedented service to the business and educational communities of our state; and

Whereas, throughout the years, Bob has been appointed to several councils, including the Illinois Council on Vocational Education, the Illinois Job Training Coordinating Council, the Illinois Literacy Council, and the Department of Public Aid Job Opportunity Advisory Council; and

Whereas, Bob has also served on various other committees for state agencies, private organizations, and the General Assembly; Whereas, on December 7, 1992, the Illinois Chamber of Commerce is honoring Bob for the exemplary contributions he has made to our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 7, 1992, as ROBERT BECKWITH DAY in Illinois and

join the Illinois State Chamber of Commerce in saluting his many contributions to Illinois. I extend best wishes to him on his retirement.

Issued by the Governor December 7, 1992.

Filed with the Secretary of State December 17, 1992.

92-556

ARNOLD KANTER DAY

Whereas, Arnold Kanter has served the people of Illinois with great distinction as Chief Legal Counsel to the Governor; and Whereas, Mr. Kanter's service to the state included critical roles in the resolution of such important matters as rising health care costs, the air transportation needs of the Chicago area, prison crowding, public safety, and the state's emergency response during the Great Chicago Tunnel Flood; and

Whereas, Mr. Kanter served as a trusted advisor to the state's chief executive on a wide range of issues and effectively protected the state's legal interests; and

Whereas, his career in public service includes more than six years as an assistant United States Attorney, including three as head of the civil division; and

Whereas, he has served also as a prominent Chicago attorney and advisor to other ranking public officials; and

Whereas, on November 30, Mr. Kanter concluded his service as Chief Legal Counsel to the Governor and is now serving as Vice President for Government Relations at Chicago HMO; and

Whereas, a special celebration is being held December 8 to honor Mr. Kanter's service as Chief Legal Counsel and his dedication to helping our citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 8, 1992, as ARNOLD KANTER DAY in Illinois, a day for commemorating with gratitude Mr. Kanter's service to the people of Illinois.

Issued by the Governor December 8, 1992.

Filed with the Secretary of State December 17, 1992.

92-557

FLORSHEIM SHOE COMPANY YEAR

Whereas, the Florsheim Shoe Company was founded in Illinois in 1892 and has gained worldwide recognition for its quality and styling in footwear; and

Whereas, throughout its 100 year history, Florsheim has been an industry innovator. The company was the first to put its name on its shoes, the first to display shoes out of their boxes, and the first to introduce the use of electronic retailing on a large scale; and

Whereas, some of the Florsheim Shoe Company's most popular footwear is manufactured in our state; and

Whereas, Florsheim Shoes continue to be sold through a network of dealers throughout the United States and in foreign countries including Italy, Germany, Mexico, Canada, and Japan; and

Whereas, Florsheim has employed hundreds of thousands of Illinoisans and other Americans in positions ranging from factory workers to retail store managers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1992 as FLORSHEIM SHOE COMPANY YEAR and wish the company the best of luck as it begins its second century of business.

Issued by the Governor December 8, 1992.

Filed with the Secretary of State December 17, 1992.

92-558

AFRO-AMERICAN HISTORY MONTH

Whereas, Afro-American History Month was initiated in 1926 by Carter G. Woodson, founder of the Association for the Study of Afro-American Life and History; and

Whereas, Afro-American History Month pays respect to the heritage of Afro-American people and promotes increased respect for law and order and a greater understanding of the functioning of religious institutions; and

Whereas, the observance of Afro-American History Month across America during February 1993 will highlight the progress Afro-Americans have made in the United States in leadership activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1993 as AFRO-AMERICAN HISTORY MONTH in Illinois and urge citizens to pay tribute to the heritage of Afro-American people.

Issued by the Governor December 11, 1992.

Filed with the Secretary of State December 17, 1992.

92-559

AMERICAN HISTORY MONTH

Whereas, on July 17, 1959, the 71st General Assembly specified that the month of February of each year be designated as American History Month in the State of Illinois, a month set apart to promote the study of American history; and

Whereas, the United States is one of the greatest industrial countries of the world. Its mineral and agricultural resources are tremendous, and it has nearly all the resources necessary for self-sufficiency; and

Whereas, the United States has been referred to as the "melting pot" of nations, as its population represents an influx of people from countries throughout the world; and

Whereas, the government of the United States is that of a federal republic, set up by the Constitution adopted by the

Federal Constitutional Convention of 1787; and
Whereas, Americans should reflect upon their great heritage through the study of American history;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1993 as AMERICAN HISTORY MONTH in Illinois. I urge all citizens to take note of our nation's heritage and growth and the individuals who have contributed so much to American history.

Issued by the Governor December 11, 1992.

Filed with the Secretary of State December 17, 1992.

92-560

CENTENNIAL DATE FOR THE VILLAGE OF CARY, ILLINOIS

Whereas, in the early 1800s when settlers from the east began to arrive, the area which is now Cary, Illinois, was wild country inhabited by Indians; and

Whereas, William D. Cary traveled from New York State to purchase the land for \$1.25 per acre; and

Whereas, the land was platted and filed in 1859, and on January 9, 1893, an election was held to determine if the platted land should become a village. The official tally was 72 'yes' and 15 'no' votes, making Cary Station an incorporated village; and

Whereas, on May 15, 1927, the name Cary Station was officially changed to Cary; and

Whereas, the village of Cary will celebrate its 100th anniversary January 9, 1993;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 9, 1993, as the CENTENNIAL DATE FOR THE VILLAGE OF CARY, ILLINOIS.

Issued by the Governor December 11, 1992.

Filed with the Secretary of State December 17, 1992.

92-561

DOMINICAN SISTERS OF SPRINGFIELD, ILLINOIS RECOGNIZED

Whereas, the Dominican Sisters of Springfield, Illinois, of the Order of Preachers were founded by St. Dominic Guzman in 1216. They are celebrating the 100th anniversary of the establishment of their Motherhouse in Springfield in June 1893; and

Whereas, the Springfield Dominicans, the first Dominican Sisters to come to Illinois, originally arrived in Jacksonville in 1873. Since that time, they have provided a quality education for thousands of children throughout our state; and

Whereas, for more than 100 years, the Dominican Sisters of Springfield have joined efforts with parents to contribute immeasurably to the formation of the outstanding, dedicated character of thousands of Illinoisans; and

Whereas, Springfield Dominicans continue to deeply touch the

lives of a broad spectrum of our citizens--children, parents, business and professional people, legislators, the imprisoned, the disadvantaged, the elderly, and the retired;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize the DOMINICAN SISTERS OF SPRINGFIELD, ILLINOIS, for their dedicated service to our citizens.

Issued by the Governor 11, 1992.

Filed with the Secretary of State December 17, 1992.

92-562

PHI DELTA KAPPA PRESENTATION BALL DAY

Whereas, the National Chapter of Phi Delta Kappa, Inc. was founded in 1923 as a professional organization of women in the field of education; and

Whereas, Phi Delta Kappa seeks to stimulate professional growth among teachers, foster true sisterhood, promote the highest teaching ideals, and encourage the development of the potential of our youth; and

Whereas, the Mu Chapter of the National Sorority of Phi Delta Kappa, Inc. is one of 111 nonprofit chapters in our nation. Founded in 1931, the Mu Chapter is the oldest chapter in the Midwestern Region; and

Whereas, the Mu Chapter is holding its Presentation Ball, a combination Cotillion and Beautifillion, February 14, 1993, at the Chicago Hilton & Towers; and

Whereas, the Presentation Ball, an extension of the organization's youth program, strives to increase contributions to local, national, and international charities and to expand the educational, civic, and cultural activities for our youth;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 14, 1993, as PHI DELTA KAPPA PRESENTATION BALL DAY in Illinois.

Issued by the Governor December 11, 1992.

Filed with the Secretary of State December 17, 1992.

92-563

VETERINARY MEDICAL EDUCATION WEEK

Whereas, activities of the veterinary medical profession benefit every person in the state, either directly or indirectly; and

Whereas, the veterinary medical profession is concerned with education, research, and disease control in both humans and animals and serves citizens through private practice and many health-related programs; and

Whereas, the University of Illinois student chapter of the American Veterinary Medical Association is sponsoring its annual Veterinary Medical Education Week March 27-April 3; and

Whereas, the event culminates with an open house at the

College of Veterinary Medicine on the Champaign-Urbana campus;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 27-April 3, 1993, as VETERINARY MEDICAL EDUCATION WEEK in Illinois. I urge citizens to learn more about veterinary animal disease control, eradication programs, and other services that contribute to our health and welfare.

Issued by the Governor December 11, 1992.

Filed with the Secretary of State December 17, 1992.

92-564

SANTA'S SECRETARIES DAYS

Whereas, the Prairie Central School District encompasses the communities of Fairbury, Forrest, Chatsworth, Strawn, Cropsey, and Wing; and

Whereas, Carol Hoffman's word processing class at Prairie Central High School is spreading the cheer of the Christmas season to Central Illinois in a special way this year; and

Whereas, the district's grade school students from Westview and Chatsworth elementary schools have written letters expressing their Christmas wishes to Santa Claus; and

Whereas, Mrs. Hoffman's Word Processing class will be helping Santa answer these letters so he will have more time to make and deliver his gifts; and

Whereas, these high school students, otherwise known as Santa's Secretaries, will be delivering Santa's responses to the grade school children December 21 and 22;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 21-22, 1992, as SANTA'S SECRETARIES DAYS and urge citizens to help spread the joy and love of the holiday season in their own communities.

Issued by the Governor December 15, 1992.

Filed with the Secretary of State December 17, 1992.

PUBLIC AID, DEPARTMENT OF	
89 Ill. Adm. Code 112	Aid to Families With Dependent Children (P-46)
89 Ill. Adm. Code 148	Hospital Services (P-10868/92; A-131)
89 Ill. Adm. Code 140	Medical Payment (P-62)
PUBLIC COUNSEL, OFFICE OF	
4 Ill. Adm. Code 1075	Americans With Disabilities Act Grievance Procedure (P-14182/92; A-142)
REHABILITATION SERVICES, DEPARTMENT OF	
89 Ill. Adm. Code 567	Comparable Benefits (P-10403/92; A-149)
89 Ill. Adm. Code 827	Rules of Conduct (P-77)
STATE POLICE MERIT BOARD	
80 Ill. Adm. Code 150	Procedures of the Department of State Police Merit Board (E-17372/92; RC-181)
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
23 Ill. Adm. Code 2763	Minority Teachers of Ill. (MTI) Scholarship Program (E-175)
TREASURER	
80 Ill. Adm. Code 620	Merit & Fitness (P-91)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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ACTION CODES	
P - Proposed Rule	
PF - Prohibited Filing Order by JCAR*	
PP - Peremptory or Court Ordered Rules	
PR - Proposed Repealer	
R - Refusal to meet JCAR Objection	
RC - Statement of Recommendation	
S - Suspension ordered by JCAR	
W - Withdrawal to meet JCAR Objections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

COMMERCE COMMISSION, ILLINOIS	
83 Ill. Adm. Code 275	Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98)
COMMERCE AND COMMUNITY AFFAIRS	
47 Ill. Adm. Code 130	State Administration of the Ill. Neighborhood Corps Program (PR-1)
EDUCATION, STATE BOARD OF	
23 Ill. Adm. Code 228	Transitional Bilingual Education (P-9253/92; A-104)
FINANCIAL INSTITUTIONS, DEPARTMENT OF	
38 Ill. Adm. Code 180	Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123)
HUMAN RIGHTS, DEPARTMENT OF	
56 Ill. Adm. Code 2520	Procedural (P-10)
INSURANCE, DEPARTMENT OF	
50 Ill. Adm. Code 805	Financial Futures Contracts (P-42) (E-154)
50 Ill. Adm. Code 802	Purchasing & Selling Call & Put Options Contracts (P-44) (E-163)
LABOR, DEPARTMENT OF	
56 Ill. Adm. Code 350	Health & Safety (P-3780/92; O-180)

The Sections Affected Index lists, by Title, each Section of a Part on which rulemaking activity has occurred in this volume (calendar year) of the Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash (e.g. 11 Ill. Adm. Code 436.05 was proposed last year and adopted this year. The action entry reads: (P-15655/91; A-4520). The codes are listed below.

TYPE OF RULEMAKING ACTION CODES

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = reclassified
= renumbered

A = Adopted rule
C = Correction
P = Proposed Rule
E = Emergency rule
PP = Peremptory rule
M = Modification
W = Withdrawal
RQ = Request for Correction

PF = Prohibited filing
S = Suspension
O = JCAR Objection
R = Refusal to Modify
F = Failure to Remedy
Objections Objection
RC = Recommendation
EC = Expedited Correction
CC = Codification Changes

ILLINOIS AFFECTED REGISTER					January 4, 1993
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TITLE 4					
1075.10	n	(P-14182/92; A-142)	805.10	am	(P-42) (E-154)
1075.20	n	(P-14182/92; A-142)	805.20	am	(P-42) (E-154)
1075.30	n	(P-14182/92; A-142)	805.30	am	(P-42) (E-154)
1075.40	n	(P-14182/92; A-142)	805.40	am	(P-42) (E-154)
1075.50	n	(P-14182/92; A-142)	805.50	am	(P-42) (E-154)
1075.60	n	(P-14182/92; A-142)	805.60	am	(P-42) (E-154)
1075.70	n	(P-14182/92; A-142)	805.70	am	(P-42) (E-154)
TITLE 56					
TITLE 23					
228.15	n	(P-9253/92; A-104)	350.280	am	(P-3780/92; O-180)
228.20	am	(P-9253/92; A-104)	2520.700	#	(P-10)
228.25	n	(P-9253/92; A-104)	2520.700	am	(P-10)
228.30	am	(P-9253/92; A-104)	2520.710	am	(P-10)
228.50	am	(P-9253/92; A-104)	2520.720	am	(P-10)
2763.20	am	(E-175)	2520.730	am	(P-10)
TITLE 38					
180.10	am	(P-14006/92; A-123)	2520.740	#	(P-10)
180.22	n	(P-14006/92; A-123)	2520.750	r	(P-10)
180.24	n	(P-14006/92; A-123)	2520.760	am	(P-10)
180.30	am	(P-14006/92; A-123)	2520.770	am	(P-10)
180.92	n	(P-14006/92; A-123)	2520.780	am	(P-10)
180.94	n	(P-14006/92; A-123)	2520.790	am	(P-10)
180.100	am	(P-14006/92; A-123)	2520.797	am	(P-10)
TITLE 47					
130.10	r	(P-1)	2520.A.p.A	am	(P-10)
130.20	r	(P-1)	TITLE 80		
130.30	r	(P-1)	150.210	am	(P-17372/92; RC-181)
130.40	r	(P-1)	620.130	am	(P-91)
130.50	r	(P-1)	TITLE 83		
130.60	r	(P-1)	275.20	am	(P-8269/92; A-98)
130.70	r	(P-1)	TITLE 89		
130.80	r	(P-1)	112.250	am	(P-46)
130.90	r	(P-1)	112.252	am	(P-46)
130.100	r	(P-1)	112.253	am	(P-46)
130.110	r	(P-1)	112.254	am	(P-46)
TITLE 50					
802.10	am	(P-44) (E-163)	140.19	am	(P-62)
802.20	am	(P-44) (E-163)	148.80	am	(P-10868/92; A-131)
802.30	am	(P-44) (E-163)	567.20	am	(P-10403/92; A-149)
802.40	am	(P-44) (E-163)	567.30	am	(P-10403/92; A-149)
802.50	am	(P-44) (E-163)	567.100	am	(P-10403/92; A-149)
802.60	am	(P-44) (E-163)	827.10	am	(P-77)
802.70	am	(P-44) (E-163)	827.30	am	(P-77)
802.80	am	(P-44) (E-163)	827.40	am	(P-77)

